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Fourth periodic report of States parties due in 2013

Azerbaijan*, **

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Fourth periodic report of Azerbaijan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Information relating to individual articles of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

1. The present report has been drawn up on the basis of the list of issues (CAT/C/AZE/Q/4) prepared by the Committee against Torture pursuant to the optional reporting procedure.

2. Specific information is given below on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations.

Articles 1 and 4

3. At the present stage of the country's development, establishment of the rule of law and the protection of human rights and freedoms are two of the main areas of State policy.

4. Cooperation has been built up over recent years with international organizations active in the field of human rights and freedoms. Azerbaijan has acceded to many international instruments and has achieved considerable progress in compliance with its international obligations.

5. It has acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 and committed itself to the implementation of effective legislative, administrative, judicial or other measures to prevent torture. A number of targeted actions have been undertaken in that area.

6. Legislative and institutional reforms have been introduced pursuant to the Government's human rights programme, which was approved by presidential order on 18 June 1998.

7. The implementation of the 2006–2011 National Action Plan for the Protection of Human Rights, approved by presidential order on 28 December 2006, has contributed to the further promotion of human rights, the creation of new strategic cooperation at the universal and regional levels and the expansion of partnerships between the State and civil society. The second National Action Plan, for the period 2012–2015, is now being implemented. Implementation of the Plans has resulted, inter alia, in the establishment of a human rights commission pursuant to a Ministry of Internal Affairs order of 5 February 2007.

8. Azerbaijan has also acceded to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

9. At its forty-third session, the Committee against Torture recommended that the definition of torture given in the Criminal Code of Azerbaijan should be brought into line with article 1 of the Convention.

10. The Office of the Procurator-General therefore submitted a legislative initiative, on the basis of which article 293 of the Criminal Code was reworded pursuant to Act No. 405-IVQD of 29 June 2012.

11. It provides criminal sanctions for both cruel, inhuman or degrading treatment or punishment and for torture committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

12. Furthermore, in a note to article 293, the concept of "torture" is deemed to include severe pain or suffering, whether physical or mental, intentionally inflicted on a person for

such purposes as obtaining from him or her or a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

13. A criminal investigation was conducted by the serious crimes investigation department of the Office of the National Military Procurator into the fatal shooting on 28 January 2010 of three officers and a warrant officer and the attempted murder of an officer and a re-enlisted soldier by two soldiers of Ministry of Defence military unit No. 191, Elkhan Azizov and Sadig Mammadov, in reprisal for repeated assaults, beatings and physical torture they had suffered from officers of the military unit, and their subsequent fatal shooting of each other. The investigation found that Officer Veled Gurbanov and Senior Lieutenant Rustam Akhmedov of military unit No. 191, together with a group of other persons, had made repeated threats either personally or through an intermediary, had taken bribes and, exploiting their official position and abusing their official duties, had beaten and tortured their subordinates.

14. On 27 December 2010, Veled Gurbanov and Rustam Akhmedov were convicted by the military court of Azerbaijan of serious offences under articles 311.3.1, 311.3.2, 311.3.4 and others of the Criminal Code, and were each sentenced to 12 years' imprisonment. Officer Vazekh Babaev was sentenced to 9 years' imprisonment, Officer Fouad Mutallimov to 4 years' imprisonment and Re-enlisted Soldier Ali Imanov to 1 year and 6 months' imprisonment.

15. In view of the legality of and grounds for the sentence, appeals lodged with the appellate court and the court of cassation were dismissed.

16. The relevant investigations were carried out into the cases of the following prison service employees who permitted inhuman treatment of convicted persons: Lieutenant-Colonel of Justice Agammed Nariman oglu Mamedov and Major of Justice Babek Nurbal oglu Huseinov. These individuals underwent disciplinary proceedings: they were reprimanded and then dismissed from the justice agencies on 14 October 2009 and 4 June 2011 respectively.

17. In order to prevent members of staff violating the rights of detainees and convicted persons, article 10.2.7 of the Sentence Enforcement Code on prisoners' fundamental rights provides for the right of convicted persons to express their views on judicial decisions related to the enforcement and imposition of punishment and the right to appeal against decisions to the Ministry of Justice or the courts.

18. Article 10.3 of the Code includes provisions such as the requirement that prison staff treat prisoners with respect, the inadmissibility of cruel or degrading treatment of prisoners, the importance of applying coercive measures only on a lawful basis and, in article 10.4, the inadmissibility of subjecting prisoners to medical or other experiments that represent a threat to their health or life.

19. The Act of 22 May 2012 on the rights and freedoms of persons held in detention facilities describes for the first time in detail the mechanism used to ensure respect for the rights of persons under arrest. Thus, pursuant to article 15 of the Act, several of the fundamental rights of persons held in pretrial detention facilities include provisions such as the inadmissibility of torture or inhuman or degrading treatment, in accordance with ethical standards, as well as the right to appeal against decisions taken in respect of the arrested person by the detention centre director. Pursuant to article 18 of the Act, proposals, applications and complaints are sent without delay to the relevant government agencies that supervise the activities of remand centres, as well as to the Commissioner for Human Rights (Ombudsman), the United Nations human rights bodies, the European Court of

Human Rights or the European Committee for the Prevention of Torture. Neither these communications nor the answers received are censored.

20. Article 27 of the Act states that arrested persons may not in any circumstances be subjected to torture or to inhuman or degrading treatment or punishment, and article 28 establishes standards for respectful behaviour towards convicted persons in places of detention and the prohibition of offensive acts and degrading conditions. Article 43 sets out the conditions in which the use of physical force, special measures or firearms may be permitted in detention centres. Article 49 provides for public oversight in order to ensure transparency in what takes place in detention centres.

21. Detailed information on the measures taken in connection with violations of the rights of arrested or convicted persons is given in paragraphs 6 and 28 of this report.

22. No acts of torture or cruel, inhuman or degrading treatment or punishment of detainees by police officers were recorded during the period 2010–2013, nor were any police officers in temporary detention centres subjected to disciplinary or criminal proceedings for failure to respect the rights of persons in custody.

23. However, criminal cases were brought against 2 officials for misconduct not involving violations of the rights of persons in custody in 2010 (see para. 4) and 281 have been subjected to disciplinary proceedings for the same offence (63 in 2010, 50 in 2011, 87 in 2012 and 81 in 2013).

24. To improve monitoring of the performance of official duties and the treatment of detainees, places of detention have been equipped with video surveillance capacity.

25. There are information stands in the administrative buildings of police premises where all persons detained are able to find out about their rights and freedoms enshrined in the Constitution, international standards and regulatory instruments governing the activities of the agencies concerned.

26. Staff of the Office of the Ombudsman and other NGOs have the right to visit places of detention freely and without prior agreement. These institutions and the staff of the Ministry of Internal Affairs and district prosecutors' offices are subject to regular checks. Furthermore, pursuant to an order of the Minister of Internal Affairs of 4 March 2000, staff of the Internal Investigation Department check the legality of detention and ask detainees whether they have any complaints.

27. On 9 August 2011, the investigating agency of the Nakhchivan Autonomous Republic Ministry of National Security brought a criminal case under article 274 of the Criminal Code in respect of the collection and transmission of information by a group of individuals on the orders of foreign intelligence services and to the detriment of the sovereignty, territorial integrity, national security and defensive capability of Azerbaijan; an investigation was conducted.

28. Turac Shuriiya oglu Zeynalov, born in 1980, a resident of the village of Arazin, Julfa district, Nakhchivan Autonomous Republic, was detained as a suspect in this case on 24 August 2011. On 26 August 2011, Mr. Zeynalov was charged under article 274 of the Criminal Code. He was remanded in detention as a preventive measure and held in the pretrial detention centre of the Ministry of Justice prison service of Nakhchivan Autonomous Republic.

29. On 28 August 2011, he was taken from the detention centre for questioning at the Nakhchivan Autonomous Republic Ministry of National Security. During the journey, his state of health deteriorated and he was taken for medical attention to the emergency centre in Nakhchivan, and then on to a diagnostic centre in the same city. Despite the efforts of the doctors, Mr. Zeynalov died. An investigation was carried out by the Nakhchivan municipal

prosecutor's office into the cause of his death. It was found from medical documents considered during the investigation that Mr. Zeynalov had suffered from skin cancer and, prior to the investigation, had received treatment in Baku as well as in medical institutions in the Islamic Republic of Iran. Mr. Zeynalov had undergone several operations to remove tumours. The investigation included a forensic examination. Mr. Zeynalov's body was sent to the Forensic Medicine and Pathological Anatomy Association of the Nakhchivan Autonomous Republic Ministry of Health. The examination conducted on 5 September 2011 found no traces or signs of violence or injury. The cause of Mr. Zeynalov's death was pulmonary embolism resulting from deep vein thrombosis.

30. During the investigation, it was found that Mr. Zeynalov had not been subjected to any form of torture, inhuman or degrading treatment in the Ministry of National Security of Nakhchivan Autonomous Republic.

31. At around 1 a.m. on 13 January 2011, Elvin Imran oglu Askerov and his friends, Anar Adilkhan oglu Ganiev, Magomed Telman oglu Dzhafarov and Ali Telman oglu Dzhafarov, who were drunk, began arguing in front of Neon restaurant (15, Aliev Street, Nasimi district, Baku). They were approached by officers of the fifth patrol unit of the Ministry of Internal Affairs rapid reaction police, who called them to order. Elvin Askerov refused to obey and resisted the police; he was carrying a knife and wounded Zulfugar Alekber oglu Suleimanov on his right ear and Sabukhi Taghi oglu Agayev on his right shoulder. Mr. Askerov fell as he was running away from the scene, suffering various injuries, and was taken to Baku municipal clinical hospital No. 3, where he died later the same day.

32. On 13 January 2012, on the basis of the material collected, the procurator's office of Nasimi district, Baku, opened criminal proceedings under article 315.2 of the Criminal Code (article 315: resistance to or the use of violence against a representative of the authorities) and conducted an investigation. In the course of the preliminary investigation, witnesses were questioned, confrontations were held, forensic and other investigations were ordered and carried out, the conclusions were received and other necessary investigations were conducted.

33. As it was impossible to establish a suspect, the criminal proceedings were suspended by a decision of 1 August 2011 on the basis of articles 53.1.1 and 277 of the Code of Criminal Procedure.

34. The district procurator's office carried out an investigation into the death of Nadir Mamed oglu Abdullaev, born in 1957, a resident of Udzhar, who died in his apartment at about 9 p.m. on 28 September 2010.

35. On 29 September 2010, Nadir Abdullaev's brother, Fazil Mamed oglu Abdullaev, submitted a complaint to the Udzhar district procurator's office accusing officers of the district police department of causing his brother's death. The investigation concluded that, at about 7.30 p.m. on 28 September 2010, Nadir Abdullaev, in a state of intoxication, had been unable to control a VAZ-2107 vehicle in Udzhar and had crashed into a stone wall, damaging the front of the car. He was taken to the district police department because of a violation of traffic rules. At 7.45 p.m. Nadir Abdullaev was seen by a doctor, who found that he was in a medium state of intoxication. After the examination, Nadir Abdullaev said that he suffered from asthma and he found it stuffy; he got into a taxi and went home, where he died at about 9 p.m. the same day.

36. Forensic examination No. 22 of 18 October 2010 found, in its conclusions, that Nadir Abdullaev's body had an abrasion on the front of one third of the right tibia, which was not life-threatening and could have been caused at the time of accident on 28 September 2010. The deceased was found to have a blood alcohol level of 2.5 per cent. The

cause of death was acute cardiovascular and respiratory failure with underlying atherosclerosis and cardiosclerosis.

37. It was also found in the course of the investigation that there was a negative view of Nadir Abdullaev in society; he was on the register of Udzhar region central hospital diagnosed as a drug addict, he regularly consumed alcohol, and had several previous convictions for drug trafficking and acts of hooliganism. He had been released from prison most recently in 2008.

38. It was further found that Nadir Abdullaev's brother, Fazil Abdullaev, also had previous convictions for drug trafficking. In view of the above, Fazil Abdullaev was rude to the police and also filed an incorrect complaint about the beating and killing of his brother Nadir Abdullaev by members of the police force. Fazil Abdullaev's allegations that his brother Nadir Abdullaev had been beaten and killed by members of the Udzhar district police department were not confirmed during the investigation.

39. Since the death of Nadir Abdullaev was related to the accident that he caused and, given that there was no criminal offence involved in his death, from the information gathered, a decision was made on 18 October 2010 on the basis of articles 39.1.1 and 212 of the Code of Criminal Procedure not to bring a criminal case; the plaintiff, Fazil Abdullaev, was informed of that decision.

40. On 24 March 2010, the investigator of Nasimi district investigative department, Baku, indicted Dzheikhun Faiaz oglu Zarbaliev under article 126.2.4 of the Criminal Code (causing grievous bodily harm). Dzheikhun Zarbaliev was held on remand for 3 months on a decision of Nasimi district court, Baku, of the same date, and placed in the district police remand centre.

41. On 25 March 2010, Dzheikhun Zarbaliev used cords from the hood of his jacket, which his family had brought him, to commit suicide by hanging himself from an iron window grill in room No. 4, where he was being held.

42. On 25 March 2010, the Nasimi district procurator's office brought criminal proceedings under article 125 of the Criminal Code in respect of the death of Dzheikhun Zarbaliev and, on 21 May 2010, a criminal case was classified under article 314.2 of the Criminal Code (negligence).

43. Decisions were taken to prosecute two members of the staff of the Nasimi district police remand centre, namely Etibar Rafig oglu Shirinov and Ramin Amil oglu Aliyev, on 21 May 2010 and 22 May 2010, respectively, under article 314.2 of the Criminal Code, with negligence in the workplace leading to serious consequences. They were charged and placed under a restricted residence order.

44. The criminal indictment was approved by the procurator of Nasimi district, Baku, on 4 June 2010 and sent for the consideration of the district court.

45. By decision of Nasimi district court of 28 February 2011, Etibar Shirinov was found guilty under article 314.2 of the Criminal Code (negligence leading to serious consequences) and sentenced to 2 years' imprisonment. Pursuant to article 70 of the Criminal Code, the punishment was suspended, with 1 year's probation.

46. Ramin Amil oglu Aliyev was found guilty under article 314.2 of the Criminal Code and sentenced to 1 year and 6 months' imprisonment. Pursuant to article 70 of the Criminal Code, the punishment was suspended, with 1 year's probation.

47. An official inquiry by the Ministry of Internal Affairs into the suicide in the remand centre led to three staff members being dismissed and six being subjected to disciplinary proceedings.

Article 2

48. Under the Act on the rights and freedoms of persons held in places of detention, adopted to further strengthen the protection of human and civil rights and freedoms in such places, newly detained or arrested persons held in temporary detention facilities are entitled without delay to make a telephone call to close relatives or other persons whom they have legitimate reason to contact. They also have the right to purchase stationery supplies and food items from commercial sources, to be examined in a medical establishment of their choice, to receive parcels, hand-delivered items and packages, to participate in civil law relations, to make use of the services of a notary, to walk for a minimum of two hours each day, to exercise and to receive psychological care, among others.

49. In 2012, the Act on the rights and freedoms of persons held in detention facilities was adopted, and, in its Decision No. 67 of 18 April 2013, the Cabinet of Ministers approved both the Act and the Rules on providing medical and psychological care to detained or arrested persons and on detaining persons in medical establishments.

50. On entering a remand centre, detainees are immediately examined by members of the staff of the relevant commission, which includes members of the medical service. The detainees first undergo a medical examination, the results of which are noted in the medical record that is opened for each detainee immediately upon arrival, as laid out in article 22.2 of the above-mentioned Act. Furthermore, as soon as a person is declared a suspect in the commission of any given crime, he or she is provided with the services of an independent lawyer.

51. Persons held in custody in temporary detention facilities are entitled to make a telephone call to close relatives or other persons. They also have the right to purchase stationery supplies and food items from commercial sources, to be examined in a medical establishment of their choice, to receive parcels, hand-delivered items and packages, to participate in civil law relations, to make use of the services of a notary, to walk for a minimum of two hours each day, to exercise and to receive psychological care, among others.

52. Medical staff at places of detention must perform a medical examination on persons within 24 hours of their detention or arrest, and a personal medical record must be kept for each person held in temporary detention facilities. If no medical staff are available at the temporary detention facilities, doctors from local State medical establishments are invited instead. All bodily injuries identified during the initial examination must be recorded in detail in the medical record, regardless of when they were sustained.

53. Special rooms are assigned in the temporary detention facilities for lawyers to meet with detainees; such visits are confidential and unlimited as to their duration.

54. The admission of detainees is overseen by a panel: they are registered and an individual file is maintained for each person. The file contains documents on everything concerning the detainee, such as his or her correspondence, complaints and statements, replies, information on punishments and rewards, and important information regarding the investigation and the detention in the remand centre.

55. Based on the Code of Criminal Procedure, the detainee must be charged within 48 hours of being detained. If there is a procuratorial recommendation in respect of the detention, the detainee must be brought before a judge. For a decision to be made on the choice of remand as a restrictive measure, the employees of the temporary detention facilities and the bodies conducting the criminal prosecution are obliged to bring the detainee before a judge in good time, observing the deadlines provided for in the Code of Criminal Procedure.

56. In order to better organize and simplify the monitoring of detained and convicted persons within establishments, a modern surveillance system capable of recording 24 hours a day was installed in the Baku remand centre in 2009 and in remand centres Nos. 2 and 3 in 2010. Şäki prison and its remand centre, opened in July 2013, and all correctional facilities are equipped with similar systems, which are used continuously. The surveillance system is not used in detainee holding cells, rooms where short and long meetings take place, or rooms where detainees meet with their lawyers.

57. At present, 65 out of 68 temporary detention facilities are equipped with alarm systems and 63 with video surveillance.

58. Information on persons taken into custody or convicted is transferred by the prison registration units to the central database, which has been functional in the Ministry of Justice Prison Service since 2000. Under a contract signed between the prison service and the company IT Solutions, a new software programme has been in use since January 2011. As part of the Justice Reform Support Programme, implemented in collaboration with the European Commission, the information and registration database on convicts and persons taken into custody is currently being updated. To this end, the Central Prison Service Department, correctional facilities (with the exception of some establishments located in certain districts), remand centres and treatment facilities have had communication lines installed and are equipped with computers, scanners and printers.

59. The latest version of the relevant software is currently being installed, and recording will be enabled on the computers set up in the establishments.

60. Current legislation does not provide for the free use of registers containing information on persons held in prisons, taken into custody or convicted. Information on the registers may be made available to persons taken into custody or convicted as well as their lawyers and legal representatives, if an application is submitted to the authorities of the establishment. In addition, according to article 33 of the Act on the rights and freedoms of persons held in places of detention, the authorities of a remand centre are obliged to admit a person brought to a place of detention and immediately record any relevant information, including visible signs on the body of the detainee of any kind of injury, torture or inhuman or degrading treatment suffered before being taken into custody in the place of detention, and to allow detained persons to meet with their defence lawyers, legal representatives or other persons of interest to them.

61. In accordance with the Internal regulations of temporary detention facilities, approved by Decision of the Cabinet of Ministers on 26 February 2014, upon entering a temporary detention facility, all persons must be registered in the database by having their fingerprints, photograph and full details taken.

62. Under the Lawyers and Legal Profession Act, there is a non-governmental, autonomous and self-regulatory Bar Association operating in Azerbaijan.

63. It should be noted that paragraph 3.9 of the National Action Programme on increasing the efficiency of the protection of human rights and freedoms, approved by the order of the Head of State of 27 December 2011, provides for measures to strengthen the legal profession, improve the effectiveness of the work of lawyers and guarantee their autonomy, and to increase the number of professional lawyers across different regions in the country. Accordingly, the authorized bodies are implementing the relevant measures.

64. In order to raise awareness of civil rights among the part of the population living in poverty and to increase the chance of such persons receiving free legal aid, the Ministry of Justice has recently established legal aid centres staffed by persons with the necessary legal knowledge in the various regions of the country. The specialists at these centres have been provided with the necessary legal literature and technical resources. A legal clinic has also

been set up in the Judicial Academy to provide legal aid to low-income social groups as part of the Justice Reform Support Programme, implemented in collaboration with the European Commission.

65. Before persons brought to temporary detention facilities are placed in a cell, they must be given a medical examination and check-up. Any request for medical attention, as well as any refusal of such attention, is noted in the appropriate register. Detainees whose detention is inadvisable in view of an illness diagnosed by medical staff are sent to a medical establishment.

66. Information stands located in the administrative buildings of all police agencies allow persons taken into and held in custody to familiarize themselves with their rights and freedoms enshrined in the Constitution, and with international norms and regulations governing the activity of the Ministry of Internal Affairs in this field. Furthermore, in order to regulate police officers, video cameras have been installed in front of police duty stations.

67. The Rules on providing medical and psychological care to detained or arrested persons and on detaining persons in medical establishments provide for the right of persons held in custody to request an independent medical examination.

68. All detainees sent to a remand centre must be informed by staff of the medical department of their right to a medical examination, and they should be given information on the reliability of the medical finding and, where necessary, the opportunity to obtain copies of the relevant medical documents. Under article 22.6 of the Act on the rights and freedoms of persons held in detention facilities, upon application of the person concerned or his or her defence lawyer, subject to the decision of the body conducting the criminal trial, the medical examination may be performed by specialists from another medical establishment chosen by the detainee in question. In this case, the cost of the medical examination is paid by the detainee. Articles 12.4 (internal regulations), 15.1.3 (fundamental rights of the detained or arrested person) and 33.1.4 (obligations of the governors of detention facilities) of the above-mentioned Act stipulate that the authorities of such establishments are obliged to make persons aware of their rights and responsibilities as soon as they are taken into custody at a place of detention and while they are being held in custody.

69. In connection with the implementation of the Act on the rights and freedoms of persons held in detention facilities, Cabinet of Ministers Decision No. 67 of 18 April 2013 approved the Rules on providing medical and psychological care to detained or arrested persons and on detaining persons in medical establishments.

70. Pursuant to paragraph 2 of the above-mentioned Decision, medical staff at places of detention perform a medical examination on persons within 24 hours of their detention or arrest, and a personal medical record is kept for each person held in temporary detention facilities. If no medical staff are available at the temporary detention facilities, doctors from local State medical establishments are invited instead. All bodily injuries identified during the initial examination must be recorded in detail in the medical record, regardless of when the detainee sustained them.

71. Any information on complaints about torture or inhuman or degrading treatment, and also on any bodily injuries identified during the medical examination and allegedly sustained as a result of torture or inhuman or degrading treatment, is sent in written form to the procurator with procedural responsibility for the conduct of the preliminary investigation.

72. An Act of 27 December 2013 introduced amendments to the Code of Criminal Procedure in accordance with the Act on the rights and freedoms of persons held in custody. Amendments were also introduced pursuant to the Act on the rights and freedoms of persons held in detention facilities, through the addition of article 292.2-1 entitled

"Knowingly unlawful detention in custody". This article provides for a penalty of up to 4 years' deprivation of liberty for the knowingly unlawful detention of a person in custody.

73. Under articles 148.4 and 150.3 of the Code of Criminal Procedure, a person suspected of committing a crime may be held in custody in a temporary detention facility for 48 hours, in accordance with the custody record drawn up by the body conducting the criminal proceedings.

74. Once the court has decided on the restrictive measure to be applied, the detainee must be transferred to a Ministry of Justice remand centre within 24 hours.

75. While detainees are being held in custody in a temporary detention facility, they are made aware of the reasons and grounds for the detention and their responsibilities, and are also given the opportunity to notify their families, close acquaintances or third persons of their detention. Detained foreign nationals are made aware of their rights, including the right to contact the diplomatic mission of the country of which they are nationals, for which the appropriate conditions are provided and the services of an interpreter used when necessary.

76. Special rooms are assigned in the temporary detention facilities for lawyers to meet with detainees; such visits are confidential and unlimited as to their duration.

77. In all the administrative buildings of municipal and district police bodies, stands set up in the most visible areas offer lists and telephone numbers of lawyers, while others provide information on the rights and responsibilities of detained or arrested persons in Azeri, Russian and English.

78. Detainees in remand centres are provided with the necessary detention conditions, including a living area of no less than four square metres, an individual bed, bedding, a heating system, natural light, a toilet, constant access to water, medical care, etc. Persons detained in cells in remand centres Nos. 2 and 3, which do not have showers, are allowed to have a shower at least once a week. Pursuant to article 15.1.7 of the above-mentioned Act, detainees held in custody are given free food, good living conditions and health services. The provisions on conditions of detention are broadly reflected in articles 21 (living conditions) and 22 (health care). Decision No. 22 of the Cabinet of Ministers of 18 February 2013 approved the Standards on food and living conditions for detained or arrested persons.

79. The detention conditions are being improved in remand centres Nos. 2 and 3 where construction and repair work is currently taking place. In 2012–2013, the roofs of the custodial blocks in remand centre No. 3 were replaced, the rooms where telephone conversations, investigations and meetings are held were refurbished, and the heating system in the disciplinary unit and custodial block was renovated. Remand centre No. 2 was also fitted with rooms for telephone conversations, investigation rooms and a walking area, and the meeting rooms were refurbished. The recommendations from international organizations regarding detention conditions were taken into consideration during the construction of new prisons.

80. All persons held in temporary detention facilities must have access to beds, a bathroom, toilets and medical care. In order to ensure that temporary detention facilities in police stations meet international norms and standards for detention conditions, new temporary detention facilities have been built in 35 municipal and district police stations and 48 have undergone major repairs since 2000.

81. New temporary detention facilities are currently being built in the Suraxani, Qaradağand and Binagadi districts of Baku, and the İsmayıllı, Yardımlı, Beyləqan, Masallı and Gədəbəy districts of Azerbaijan. To improve monitoring of the service provision and

improve the behaviour of the detainees, 65 out of 68 temporary detention facilities have been equipped with alarm systems and 63 with video surveillance.

82. Measures are consistently being implemented in Azerbaijan to ensure the independence of the judiciary. Legislation regulating judicial activity has been thoroughly updated and improved.

83. Furthermore, the Judicial Council, the self-regulatory body of the judiciary, operates to prevent any undue influence on the work of courts. This independent body is responsible for evaluating the work of judges, relocating persons to a new place of work, promoting persons to a higher post, imposing administrative sanctions and other tasks. The Judicial Council is an independent standing body and is not subordinate, from an organizational, material or any other point of view, to any executive bodies, bodies of judicial power, local self-regulatory bodies, natural persons or legal entities.

84. There is an independent Judicial Selection Committee, which, working with the rules on selecting judges, helps to form a body of independent and professional judges. This selection procedure was given a positive assessment under the project on enhancing judicial reform in the Eastern Partnership countries, as well as in the reports on the European Union's Eastern Partnership support programme, carried out jointly by the European Union, the Council of Europe and the European Commission for the Efficiency of Justice.

85. Moreover, with the continuation of the work to enhance the independence of the courts, the number of judges has doubled in the past few years. The number of judicial staff has increased by 75 per cent. Each judge has been individually provided with support staff. The material security of judges — their salaries — has been increased 30-fold since 2000. In order to facilitate public access to the courts, up to 20 new district courts, including serious crimes courts, courts of appeal and administrative and economic courts, have been established.

86. Additions and amendments were made to the Judicial Council Act and the Courts and Judges Act at the end of last year, ensuring the even greater independence of judges, increasing the self-regulatory nature of the Council's judicial powers and improving the mechanism for the consideration of complaints regarding the rulings of the Judicial Selection Committee.

87. To prevent corruption in the judicial system, judges have been prohibited from receiving visits from members of the public. In an effort to ensure transparency, all rulings of higher courts are printed, as are any rulings of local courts that have been overturned or quashed.

88. More entities now have the right to appeal to the Judicial Council in order to initiate disciplinary proceedings against judges. These powers, which were previously the prerogative of only the President of the Supreme Court and the Minister of Justice, have also been given to the President of the Court of Appeal. Legal entities and natural persons who have information on the commission of crimes involving corruption now have the right to appeal directly to the Council.

89. Since the establishment of the Judicial Council in 2005, 165 cases of disciplinary proceedings have been initiated against judges: proceedings were brought against 18 judges for corruption-related offences, the powers of 11 judges were suspended before the end of their terms, 17 were dismissed from their posts and 68 judges were reprimanded and subjected to disciplinary sanctions.

90. Of the 18 judges disciplined for corruption-related offences, 5 had their terms suspended, 3 were demoted, 3 were relocated to a different place of work, 5 were reprimanded and 2 were given reprimands.

91. In total, evaluations have led to the dismissal of more than 60 judges for the offences concerned.

92. For the purpose of the immediate, thorough and professional consideration of information on crimes involving corruption, a department for combating corruption has been established in the Council. Thanks to the experience and the high moral standing of its staff, members of the public are received comprehensively and continuously, each appeal submitted is examined in depth, and monitoring is conducted in the courts.

93. In addition, in order to enhance transparency and anti-corruption measures, judicial bodies have already improved the mechanism for the submission of appeals from members of the public and the way in which members of the public are received. Hotlines have been set up to promptly review complaints, as has a monitoring group.

94. Particular attention is also being paid to international cooperation in the fight against corruption. Azerbaijan actively participates in the work of the International Association of Anti-Corruption Authorities (IAACA) which has a membership of more than 140 States and the Vice-President of which is the Minister of Justice of Azerbaijan. The country became a full member of the organization after subscribing to its constitution.

95 Figures for prosecutions related to complaints about corruption-related crimes committed by prison service employees during the reporting period are as follows:

	Year	*Number of complaints*	*Repeat complaints*	*Number of complainants*	*Outcome*
1	2009	13	3	10	Not substantiated.
2	2010	25	9	16	Files for two complaints sent to office of the procurator. Files under consideration by prison services not substantiated.
3	2011	125	42	83	Of 83 complaints received, 62 were recognized to be unfounded. Of the 21 forwarded to the office of the procurator, 9 were not substantiated; in a case brought on the basis of 12 complaints, two members of staff – the former head of correctional facility No. 5, Faig Gyulalyev, and former head of Special facility No. 4, Azer Aliev, were found guilty under article 178.2.3 of the Criminal Code.
4	2012	61	17	44	Not substantiated.
5	2013 (01.09)	39	17	22	Of 22 complaints received, 20 were recognized to be unfounded. In a case brought on the basis of two complaints forwarded to the office of the procurator in respect of the commanding officer of Prison No. 16, Nadir Nadirli, investigations are being carried out pursuant to article 178.2.2 of the Criminal Code, and in respect of Rifleman Zabil Agalarov of the Convoy Battalion, investigations are being carried out under article 178.3.2 of the Criminal Code.

96. To ensure the independence of the national human rights institutions, the Office of the Ombudsman does not fall under any of the branches of government (legislative, executive or judicial) and it conducts its activities independently on the basis of the principles of transparency, legitimacy, equity and impartiality. The Constitutional Act on the Commissioner for Human Rights (the Ombudsman) guarantees that independence. It provides that the Ombudsman is independent and subordinate only to the Constitution and the laws of Azerbaijan (art. 5.1).

97. To ensure the Ombudsman's independence, it guarantees him or her the following:

- Security of tenure (art. 5.2.1);
- Inviolability of the person (art. 5.2.2);
- Inadmissibility of any interference by a government agency, local authority or official in his or her activities (art. 5.2.3);
- Material and social guarantees (art. 5.2.4).

98. The introduction of a state of emergency or martial law does not suspend or restrict the activities of the Ombudsman (art. 5.3).

99. The Ombudsman enjoys immunity throughout the period of his or her mandate and, except in cases of flagrante delicto, may not be subjected to criminal prosecution, arrest, detention, administrative penalties imposed through the courts or searches of his or her property or person. If the Ombudsman is detained in flagrante delicto, the detaining agency must notify the Procurator-General and the Milli Majlis (National Assembly) within 24 hours (Constitutional Act, art. 6).

100. The inviolability of the Ombudsman may be terminated only by a decision taken by the Milli Majlis by majority of 83 votes, based on an application from the Procurator-General (art. 6).

101. The Ombudsman's inviolability also extends to his or her home, office, vehicles and means of communication, postal and telegraphic correspondence, personal effects and documents (art. 6.4).

102. After leaving office, a former Ombudsman enjoys inviolability in connection with activities conducted and ideas expressed during his or her mandate. He or she may be prosecuted for crimes or offences committed during that period for which administrative penalties may be imposed by a court, in accordance with article 6.3 of the Act (Constitutional Act, art. 6.5).

103. According to the Principles relating to the Status of National Institutions (the Paris Principles), national human rights institutions should have an infrastructure which is suited to the smooth conduct of their activities, in particular adequate funding. In Azerbaijan, the activities of the Ombudsman, his or her staff and the regional centres are funded from the State budget (Constitutional Act, art. 19.1).

104. Stability of funding for the activities of the Office of the Ombudsman is an important aspect in ensuring its financial independence.

105. The current expenditure provided in the annual budget for such funding may not be less than the amount provided for that purpose during the preceding financial year (Constitutional Act, art. 19.2).

106. Any interference in or restriction placed on the legitimate activities of the Ombudsman is punishable under legislation (Code of Administrative Offences, art. 310-1).

107. On 27 October 2006, the Office of the Ombudsman of Azerbaijan was recognized as a national human rights institution with "A" status by the International Coordinating

Committee of National Human Rights Institutions. That status is determined on the basis of the compliance of its activities as a national human rights institution with the Paris Principles; it creates the conditions for further expansion of its international relations and gives it the authority to participate in an independent manner in the activities of the Human Rights Council, to make statements and give recommendations, participate in the preparation of government reports to the United Nations treaty bodies, draw up shadow and alternative reports and to monitor the implementation of treaties.

108. The Ombudsman participates regularly in the meetings of the International Coordinating Committee and issues statements covering various areas of human rights. Such statements are registered as official documents.

109. As a result of a special review of allegations made by some NGOs questioning the complete independence of the Office of the Ombudsman, in March 2012, in Geneva, the International Coordinating Committee again awarded the Ombudsman "A" status, thus reaffirming at the level of the United Nations the compliance of its activities with the Paris Principles.

110. After ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment pursuant to the Act of 2 December 2008, the Presidential Decree of 13 January 2009 designated the Ombudsman as the institute that would fulfil the role of national preventive mechanism. Under the Constitutional Act of 24 June 2011, the powers of the Ombudsman have been raised to a level corresponding to the requirements regarding the national preventive mechanism in the Optional Protocol. The question was also raised of the establishment of a national preventive group within the Office of the Ombudsman for it to implement its activities as the national preventive mechanism. The Act as adopted took account of proposals and recommendations made by the Ombudsman, the relevant international structures and human rights organizations and human rights defenders operating in the country.

111. The Constitutional Act provides that the Ombudsman and the national preventive group have the right, at any time and without prior notice, to visit police stations, places of detention, remand centres, penal institutions, garrison prisons, psychiatric institutions and other places where persons may be detained against their will; to meet and talk with detained persons or any other persons who may provide relevant information, either alone or, when they consider it necessary, with the participation of a specialist or an interpreter; to consult all the documents confirming the legality of the detention of the persons detained, including those concerning the treatment of persons and their conditions of detention, and to receive copies of them; to write a report and record the progress and results of the measures implemented (Constitutional Act, arts. 12.2.1 and 18-1.2.).

112. Article 18-1.3 of the Constitutional Act contains a provision prohibiting any coercion of a member of the national preventive group to testify in respect of facts that become known to him or her in connection with the exercise of his or her functions, or to disclose such facts in any other way, even after the person is no longer a member of the group.

113. Article 18-1.4 specifies that a member of the national preventive group may not be subject to detention, arrest or searches of his or her property or person in the exercise of his or her functions in places where persons may be detained against their will. Postal, telegraphic or other items dispatched by members of the national preventive group may not be seized, checked or removed.

114. Article 12.2.1 of the Constitutional Act enshrines the right to make recommendations to the competent government authorities and receive responses to such recommendations within a prescribed period.

115. Within the context of the national preventive mechanism, the Commissioner also works closely with civil society. One example of such cooperation is the regular consultations with the Public Committee under the Minister of Justice and the Council of Independent Experts under the Ombudsman.

116. In order to organize the activities of the Ombudsman as the national preventive mechanism, other relevant legislation has also been improved.

117. Currently, the functions of the national preventive mechanism are carried out by the Torture Prevention Department, which was set up within the Office of the Ombudsman after funding was allocated in 2012; it has 10 staff posts and includes a visits unit and an analysis and reporting unit. The staff of the Department are members of the national preventive group. It should also be noted that the Department has a full-time doctor who regularly participates in visits. It may also bring in experts from different sectors during visits, as required.

118. The main tasks of the Torture Prevention Department are:

- Organizing the activities of the Ombudsman as the national preventive mechanism;
- Carrying out activities aimed at the prevention of torture;
- Promoting activities aimed at the prevention of torture, including through the media.

119. The national preventive mechanism works in four main areas:

- Preventive visits;
- Legal assessments;
- Legal awareness-raising;
- Links with society and international solidarity.

120. The Ombudsman and the national preventive group regularly visit all 244 premises where persons may be detained against their will, including 119 institutions under the jurisdiction of the Ministry of Internal Affairs, 38 under the Ministry of Justice, 1 under the Ministry of National Security, 19 under the Ministry of Health, 10 under the Ministry of Defence, 8 under the Ministry of Labour and Social Protection, 41 under the Ministry of Education, 2 under the State Migration Service and 6 under the jurisdiction of local authorities.

121. The visits are carried out on the basis of a plan prepared and approved at the beginning of the year. During preparations for a visit, depending on the specific features of the institution concerned, the group will be formed taking account of the need for gender balance, the inclusion of a doctor, a psychologist, etc. Visits are prompted by complaints received and information from the media, as well as to check on the implementation of recommendations and proposals made during previous visits.

122. In addition, the national preventive group uses a variety of forms and questionnaires concerning detention conditions, report forms for noting conversations with prisoners and a list of questions.

123. In 2009, 416 visits were made, of which 283 were scheduled and 133 unscheduled, to institutions within the jurisdiction of the national preventive mechanism. They consisted of 294 visits to Ministry of Internal Affairs establishments, 108 to Ministry of Justice institutions, 2 to the Ministry of National Security establishment, 2 to institutions under the Ministry of Defence, 6 to Ministry of Education establishments and 4 to establishments under the Ministry of Health.

124. In 2010, 396 visits were made, of which 320 were scheduled and 76 unscheduled, to institutions within the jurisdiction of the national preventive mechanism. They consisted of 274 visits to Ministry of Internal Affairs establishments, 94 to Ministry of Justice institutions, 2 to the Ministry of National Security establishment, 3 to Ministry of Defence institutions, 4 to Ministry of Education establishments, 11 to Ministry of Health institutions and 8 to establishments under the Ministry of Labour and Social Protection.

125. In 2011, the national preventive group made 381 visits, of which 310 were scheduled and 71 unscheduled. They consisted of 276 visits to Ministry of Internal Affairs establishments, 86 to Ministry of Justice institutions, 2 to the Ministry of National Security establishment, 3 to Ministry of Defence institutions, 6 to Ministry of Health institutions, 3 to establishments under the Ministry of Labour and Social Protection and 5 to Ministry of Education establishments.

126. In 2012, the national preventive group made 411 visits, of which 322 were scheduled and 89 unscheduled. They consisted of 276 visits to Ministry of Internal Affairs establishments, 115 to Ministry of Justice institutions, 2 to the Ministry of National Security establishment, 5 to Ministry of Defence institutions, 8 to Ministry of Health institutions, 2 to establishments under the Ministry of Labour and Social Protection and 3 to Ministry of Education establishments.

127. In 2013, the national preventive group carried out 383 visits, of which 294 were scheduled and 89 unscheduled. They consisted of 284 to Ministry of Internal Affairs establishments, 59 to Ministry of Justice institutions, 4 to the Ministry of National Security establishment, 5 to Ministry of Defence institutions, 2 to the State Migration Service establishment, 10 to Ministry of Health institutions, 5 to establishments under the Ministry of Labour and Social Protection, 9 to Ministry of Education establishments and 2 to institutions run by local authorities.

128. The activities of the national preventive mechanism were also closely coordinated with the Ombudsman's mandate to consider complaints. Information collected during the consideration of complaints received by the Office of the Ombudsman, including the majority of complaints concerning agencies and institutions, are taken into account in the planning and implementation of preventive visits.

129. The results of the Ombudsman's activities in the areas mentioned, the positive results achieved and the suggestions and recommendations made are reflected in the reports on the activities of the national preventive mechanism for the period 2009–2012. These reports have been translated and published in Azeri and English and were sent to the relevant government agencies, as well as the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the Association for the Prevention of Torture. The 2013 report is currently being translated into English. More than 100 suggestions and recommendations for improving legislation in order to resolve organizational issues have featured in the reports produced to date. The various agencies have taken most of the Ombudsman's proposals into account, legislation and other regulations have been liberalized in the relevant areas, the treatment of prisoners and detention conditions have improved, as has the food and medical care available to persons held in institutions, as well as their rehabilitation. Many of the Ombudsman's proposals were taken into account in the 2011 Act on the rights and freedoms of persons held in detention facilities and other instruments.

130. In the period 2010–2013, a total of 5,579 violent crimes were committed against women in the family or home: 1,471 in 2010, 1,955 in 2011, 1,467 in 2012 and 686 in 2013; 3,974 criminal cases were sent to court: 1,093 in 2010, 1,325 in 2011, 1,008 in 2012 and

548 in 2013; and 333 cases were diverted away from the criminal court process: 48 in 2010, 136 in 2011, 101 in 2012 and 48 in 2013.

131. The President adopted the Prevention of Domestic Violence Act on 22 June 2010. In implementation of the Act, and to ensure that services were provided and centres established, the Cabinet of Ministers adopted Decision No. 89 of 25 April 2012 on the procedure governing the provision of social services to victims of domestic violence in social rehabilitation and adaptation centres and the accreditation of non-governmental centres providing social services to victims of domestic violence.

132. In that connection, the Ministry of Labour and Social Welfare has prepared a number of documents and developed criteria for the accreditation of specialized NGOs to provide psychosocial and legal services for victims of domestic violence. It has drawn up a list of the documents required for such accreditation.

133. In 2012, together with the State Committee on the Family, Women and Children, the Ministry held seminars in Baku and other regions of the country on the impact of domestic violence on the family.

134. The Social Services Act includes a set of measures aimed at improving the social services provided to individuals living in difficult circumstances, including victims of domestic violence. Towards the social rehabilitation of women and children affected by domestic violence, the Ministry of Labour and Social Protection has invited specialized NGOs to participate in a pilot project on the rehabilitation of child victims of domestic violence in the city of Sumqayit and nearby settlements. The project offers socio-psychological and legal assistance both in the centre and in the home to women and children affected by domestic violence. As part of its outreach work, round tables and seminars are held with the participation of relevant government agencies and NGOs on the topic of eradicating domestic violence and providing rehabilitation for women and children affected by domestic violence.

135. Measures to prevent violations of women's rights are being implemented in accordance with national legislation, including the Prevention of Domestic Violence Act and government decisions on the organization and management of the domestic violence data bank, the preventive registration of perpetrators of domestic violence, and the organization of proactive and educational work with them, on the processing of complaints of domestic violence without evidence of a criminal offence, the activities of support centres for victims of domestic violence and the accreditation of non-governmental support centres for victims of domestic violence.

136. Special attention is given to complaints relating to violence against women, including domestic violence, and families with a history of conflict are registered and proactive preventive measures are taken in respect of them with the involvement of the organizations concerned.

137. Complaints received by the State Committee on the Family, Women and Children from persons affected by domestic violence are forwarded to the competent law enforcement authorities for consideration and for action to be taken within a short period of time; they are also sent to the local authorities for the issuance of short-term protection orders. The State Committee on the Family, Women and Children has 11 family and child support centres that provide the necessary assistance to victims of domestic violence and work with families on rehabilitation.

138. A draft national strategy to combat domestic violence has been prepared and submitted for consideration.

139. To improve the skills of candidates joining the judiciary to become prosecutors, investigators and lawyers, including judges and public prosecutors, the curricula of the

Academy of the Ministry of Justice now include issues related to the application of the Prevention of Domestic Violence Act.

140. In 2012 and 2013, regional conferences, surveys, round tables and discussions on the topic of the implementation of the Prevention of Domestic Violence Act were held in cities and districts of Azerbaijan; they were attended by judges, law-enforcement officers and representatives of ministries and local executive authorities. The main aim of such events was to study the problems linked to implementation of the Act and raise the level of awareness in this field.

141. Projects were carried out on the role of the police in protecting women against domestic violence and on helping to implement the Prevention of Domestic Violence Act. Almost 1,600 of those members of the police force in closest contact with the public — community support officers and juvenile affairs officers in local police stations, as well as investigative agency staff — participated in local training workshops and almost 200 specially trained police instructors underwent training.

142. Cooperation with international and non-governmental organizations also increased. Officials of the relevant Ministry of Internal Affairs services took part in a series of workshops and courses conducted with the support and participation of the United Nations and the Organization for Security and Cooperation in Europe (OSCE) within countries of Central and Eastern Europe and the Commonwealth of Independent States. Organized in cooperation with more than 30 NGOs operating in the country, large-scale awareness-raising and publicity activities were held in almost 60 cities and districts. Meetings and assemblies were organized, and around 500 booklets and handbooks were distributed among representatives of NGOs involved in the protection of women and children.

143. In addition to this, one of the priority areas of the ongoing reforms has become the subject of wide debate, this being the establishment of "social councils" within internal affairs bodies to actively encourage members of the public to become involved on a voluntary basis in the formulation of measures that ensure public safety in their areas of residence and in the coordination of joint efforts. With this aim in mind, Parliament has introduced the relevant amendments to the Police Act.

144. Towards the accreditation of non-governmental help centres for victims of domestic violence, a Ministry of Labour and Social Protection order of 19 November 2013 approved the establishment of a commission comprising officials from the State Committee on the Family, Women and Children, and from the Ministries of Health, Education, Justice, Internal Affairs, and Labour and Social Protection. At present, four non-governmental help centres have been accredited: the Temas regional development community association, the XXI Asrın Kadınları (women of the twenty-first century) community association, the Temiz Dünya (clean world) women's support association, and the Women's Initiative and Help to Resolve Social Issues community association.

145. In 2011, the Social Rehabilitation Centre for Child and Adolescent Victims of Violence was set up. Since its establishment, more than 150 young persons in need of legal aid, including 30 adolescent girls, have been sent to the organization, which is the social branch of the Hope for the Future children's and youth organization. Staff from the relevant police services have participated in the measures for their rehabilitation.

146. Construction has begun in Baku of a social rehabilitation centre and shelter for child victims of violence who are in need of legal aid.

147. Capacity-building measures for staff of the internal affairs agencies include regular reminders of the requirements of the Convention on the Elimination of All Forms of Discrimination against Women and its Protocol. Monitoring has been increased of the

decisive action taken to prevent and detect crimes of domestic violence, and to ensure that persons who have committed such violence are punished.

148. A database set up in 2006 is used to compile and analyse data on offences, including violent offences, committed against women and children and particularly to evaluate and monitor the situation, taking regional demographics and crime rates into consideration. Indicators for the classification of crimes, perpetrators and victims are included in current and periodic reports.

149. As part of the systematic reforms of the Ministry of Internal Affairs system, communications and information-sharing between the public and the police have been developed and improved. Furthermore, for the purpose of the timely prevention of crimes, including those involving domestic violence, and the adoption of prompt measures, under the orders of the Ministry of Internal Affairs, the following services have begun to operate across all cities and districts in Azerbaijan: the 102 Call Centre, Information Portal, the Safe City surveillance and monitoring service, as well as a Ministry e-mail address and telephone hotlines.

150. At the end of 2011, a two-year project was launched by the Gender Equality and Women's Initiative NGO, the European Commission, the State Committee on the Family, Women and Children, and the Hungarian human rights programme. As part of the project, the İnkişaf (development) and Gender centres were set up, comprising members of non-governmental establishments that work on gender issues in the regions. A hotline was also opened.

151. The project includes courses for specialists from non-governmental organizations. Participants have included specialists from Baku, Bärdä, Gäncä, Quba, Länkäran and Şäki, with each centre sending one psychologist, one trainer, one lawyer and three specialists. Two lawyers, two psychologists and one trainer attended from the centre in Baku. The project has been running since February 2013. Between February and October of last year, training and consultation sessions took place in 37 regions of Azerbaijan.

152. The State Committee on the Family, Women and Children is collaborating with the German international cooperation agency on a project on women's rights that includes the preparation and publication of a book entitled *A Guide to Women's Rights*. The book gives information on women's rights, domestic violence and various types of family relations. Two-day workshops on women's rights have been held in different regions of the country to distribute the book and promote women's awareness of their rights.

153. In order to implement the recommendations of the Committee on the Elimination of Discrimination against Women which were made to Azerbaijan following the submission of its fourth periodic report (CEDAW/C/AZE/4), Presidential Decree No. 3043 of 15 September 2008 approved the State Programme on Poverty Reduction and Sustainable Development for the period 2008–2015. With regard to reviewing the goals and indicators of paragraph 3.3 of the Programme, one of the goals to achieve by the end of 2015 is a higher level of women's participation in the decision-making process. The Committee on the Elimination of Discrimination against Women recommended that amendments be made to the Family Code and appropriate measures be adopted to prevent violence against women. Under the Act on amendments to the Family Code of 15 November 2011, the minimum age of marriage for girls is now the same as that for men, meaning it has been increased by one year to 18.

154. As mentioned above, the Domestic Violence Prevention Act was adopted on 22 June 2010. It provides for a ban on discrimination against women as one of the fundamental principles in preventing domestic violence. It also provides for the following measures:

- Legal measures – investigation into cases of domestic violence and prosecution in accordance with established legal procedure of persons who have allowed domestic violence to occur;
- Social measures – measures for the social protection of victims, including the provision of temporary shelter, State-funded legal and medical aid, and also the implementation of other social measures;
- Preventive measures – conducting outreach and awareness-raising among the public.

155. Through this Act, amendments have been introduced to seven pieces of legislation acts and five new statutory instruments have also been adopted.

156. In accordance with article 10 of the Act, a victim may be issued a short-term protection order by local executive bodies. Under such an order, the person who has committed domestic violence is prohibited from committing further violence, looking for the victim if his or her whereabouts are unknown, and doing anything else that may cause discomfort to the victim.

157. A long-term order may include, in addition to the above-mentioned requirements, rules governing contact between the perpetrator of domestic violence and his or her minor children, rules concerning the use of housing or joint property, conditions for payment to be made by the perpetrator of domestic violence to pay for the medical and legal aid required by the victim, and information on the liability of the perpetrator in accordance with the law should he or she not fulfil the requirements of the protection order.

158. Under article 11.2 of this Act, local executive authorities must notify the perpetrator of domestic violence within 24 hours of receiving the relevant request, and immediately issue the victim with a short-term protection order valid for 30 days. If the perpetrator of domestic violence does not fulfil the requirements of the short-term order, this may constitute grounds for the issuance of a long-term protection order for the victim.

159. Under the provisions of the Code of Civil Procedure, an application for the issuance of a long-term protection order must be considered within three days of receipt by the court, and a decision taken on whether to refuse or accept it. A long-term protection order is issued for a period of 30 to 180 days.

160. In 2011–2012 the following decisions of the Cabinet of Ministers were approved:

- Rules on the preventive registration of perpetrators of domestic violence and the preventive and educational work to be carried out with such persons;
- Procedure for the organization and management of the domestic violence database;
- Procedure for the consideration of non-criminal domestic violence-related complaints if they bear no signs of criminal activity;
- Rules of procedure for the help centres for victims of domestic violence;
- Procedure for the accreditation of non-governmental help centres for victims of domestic violence.

161. The Code of Administrative Offences makes it an offence to violate the legislation preventing domestic violence.

162. Pursuant to the Act on amendments to the Criminal Code of 15 November 2011, article 176.1 was added to the Criminal Code prohibiting the forced marriage of women and stipulating the relevant sanctions for such an offence. It also provides for a harsher punishment if the act involves a minor. These amendments introduced into legislation are particularly important in preventing early marriages. Research has shown that, in the majority of cases, the early marriage of girls occurs with the consent of their parents.

163. Azerbaijan has ratified a series of International Labour Organization (ILO) conventions on improving the situation of women and families. Pursuant to Acts No. 1003-IIIQ and No. 1004-IIIQ of 11 May 2010, Azerbaijan became a party to the ILO Workers with Family Responsibilities Convention, 1981 (No. 156) and the Maternity Protection Convention, 2000 (No. 183).

164. In accordance with article 149 of the current Criminal Code, rape is defined as sexual relations involving the use or threat of violence against the victim or other persons or taking advantage of the victim's state of helplessness.

165. District procurators' offices received 16 complaints of rape or attempted rape in 2010, 28 in 2011 and 15 over the first 6 months of 2013. Based on the complaints received, the rape cases were considered by the procurators' offices and criminal prosecutions were brought as follows:

- In 2010, 11 criminal cases were brought for rape against 14 persons under article 149 of the Criminal Code, and 4 criminal cases were brought for rape and attempted rape against 4 persons under articles 29 and 149 of the Criminal Code;
- In 2011, 8 criminal cases were brought for rape against 9 persons under article 149 of the Criminal Code, and 4 criminal cases for rape and attempted rape were brought against 4 persons under articles 29 and 149 of the Criminal Code;
- In 2012, 11 criminal cases for rape were brought against 11 persons under article 149 of the Criminal Code, and 2 criminal cases for rape and attempted rape were brought against 2 persons under articles 29 and 149 of the Criminal Code;
- In the first quarter of 2013, 4 criminal cases for rape were brought against 4 persons under article 149 of the Criminal Code, and 2 criminal cases for rape and attempted rape were brought against 2 persons under articles 29 and 149 of the Criminal Code.

166. The preliminary investigations for these criminal cases have been completed, the accused have been prosecuted and the courts have sentenced them to prison terms of various lengths on the basis of judicial rulings.

167. Pursuant to article 48 of the Code of Criminal Procedure, criminal prosecution proceedings must be initiated and completed by a detective, investigator, procurator or court within the time limits provided for by the Code, and in such a way as to ensure the timely receipt and investigation of evidence and so that persons do not have to wait too long to be charged with an offence, to have a case considered and any violated rights restored.

168. Paragraph 2.7 of Order No. 28, issued in 2010 by the Procurator-General, on enhancing the efficiency of the procurator's procedural conduct of the preliminary investigation, strengthening monitoring of the investigation and inquiry and further improving work in this field, stipulates that the following are acts of procrastination which require appropriate prosecution of employees who have permitted such violations of the law: unnecessarily extending the duration of the preliminary investigation and detention of a person or not extending it when required, not conducting a thorough investigation into the circumstances that have contributed to the extension of the duration, not carrying out any investigative operations for more than five days, not interrogating persons held in detention, and systematically not conducting investigative activities involving such detainees.

169. The approach to considering complaints about the use of violence against women, including domestic violence, is particularly subtle. Families in crisis situation are recorded in a register, and prompt preventive work with the involvement of competent structures for such families is carried out. An official investigation is conducted into each criminal case

related to domestic violence and a legal assessment is issued into the work of officers from local police bodies with the aim of preventing such crimes.

170. Over the past three years, around 3,500 police officers have been involved in further training courses on such topics as the Domestic Violence Prevention Act, the application of new institutional mechanisms in daily practice, the concept of violence, its different forms and the application of legislation, police action in cases of domestic violence, police squad action in cases of intra-family violence, and practical application of the Domestic Violence Prevention Act.

171. In accordance with the Constitution, international treaties to which Azerbaijan is a party, including the above-mentioned Convention, are an integral part of national legislation. In the event that conflicts arise between national legislation, statutory instruments (the exception being the Constitution and legislation adopted by referendum) and international treaties to which Azerbaijan is a party, the international treaty takes precedence.

172. Under the Act of 31 May 1996, Azerbaijan became a party to the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

173. Under article 25 of the Constitution, the State guarantees equal rights and freedoms to all persons, irrespective of race, ethnic affiliation, religion, language, sex, origin, property status, occupation, beliefs or membership of political parties, trade unions or other civil society associations. Human and civil rights and freedoms may not be restricted on the grounds of race, ethnic affiliation, religion, language, sex, origin, beliefs or political or social affiliation.

174. Pursuant to article 61 of the Criminal Code, the commission of an offence on the grounds of ethnic or racial hatred is deemed an aggravating circumstance. Article 109 of the Criminal Code stipulates that the persecution of any group or organization on political, racial, national, ethnic, cultural or religious grounds, or on the grounds of sex or other grounds prohibited under the norms of international law, namely the gross violation of people's fundamental rights on the grounds of their affiliation to such groups or organizations, is punishable by deprivation of liberty for a period of 5 to 10 years if the act is linked to other crimes against the security of mankind.

175. Article 111 of the Code provides for the criminalization of "racial discrimination (apartheid)" and the penalty of deprivation of liberty for between 10 and 15 years or life imprisonment for the commission of such an act.

176. Article 154 of the Criminal Code provides for the criminal punishment of violations of the equality of civil rights, based on race, ethnic affiliation, attitude to religion, language, sex, origin, property or occupational status, beliefs or membership of political parties, trade unions or other civil society associations, which have damaged the rights and legitimate interests of citizens.

177. Article 283 of the Criminal Code establishes criminal liability for incitement to ethnic, racial or religious hatred.

178. The definition of "racial discrimination" established by the European Convention, is identical from both a theoretical and a practical point of view to the definition established by the legislation of Azerbaijan.

179. At present there are almost 2,000 persons of various ethnicities working in internal affairs bodies and thousands of staff members whose parents are of various ethnicities. Ethnic affiliation is not indicated on the identity papers of citizens of Azerbaijan.

180. The procedure for the establishment, activity, rules of registration, reorganization and closure of NGOs as legal entities, their management, their relations with State

authorities, and also the basic principles for the activity of foreign NGOs are laid down in the Constitution, the Civil Code, the Non-Governmental Organizations (Civil Society Associations and Foundations) Act, the Act on State Registration of Legal Entities and the State Register, and other statutory instruments.

181. The legislation does not include a mandatory procedure for registering NGOs as legal entities.

182. In order to register NGOs, or any other structures that so wish, as legal entities, an application and other relevant documents must be sent to the Ministry of Justice.

183. Once these documents have been received, they are verified within 30 days to ensure that they meet the requirements of the legislation.

184. The Act on State Registration of Legal Entities and the State Register also establishes the rules of the activity and registration of the offices or branches of foreign legal entities. Article 4 of this Act stipulates that the offices or branches of foreign legal entities may carry out their work after State registration.

185. Under article 12.3 of the Non-Governmental Organizations (Civil Society Associations and Foundations) Act, the registration of the branches or offices of foreign NGOs is carried out through an agreement concluded with the organization in question.

186. The grounds for concluding this agreement are laid out in the Procedure for negotiations on the preparation and conclusion of the agreement for the State registration of branches or offices of foreign NGOs, approved by the Cabinet of Ministers Decision of 16 March 2011.

187. According to the provisions of the above-mentioned document, in order to prepare the agreement, the foreign NGO must send an application to the Ministry of Justice containing information on the organization and the grounds for carrying out work in Azerbaijan.

188. The agreement is the foundation for the registration of an office or branch in Azerbaijan.

189. At present, there are almost 4,000 registered non-profit organizations across the country, including the branches or offices of foreign NGOs.

190. In accordance with the Framework of State Support to Non-Governmental Organizations, approved by the Presidential Decree of 27 July 2007, the programmes and projects of NGOs working in the area of human rights and freedoms are priorities for the State.

191. A Presidential Council for State Support of NGOs has also been established. The implementation of projects financed by the Council, and also by such State funds as the Media Support Fund and the Presidential Youth Fund, have played an important role in forming an institution of local donors, thereby contributing significantly to the development of civil society.

192. Moreover, measures are consistently being implemented to improve legislation that establishes the legal foundations for the activity of civil society institutions.

193. Taking into consideration the conclusion of the European Commission for Democracy through Law (Venice Commission) on the alignment of Azeri legislation on NGOs with human rights laws, normative projects have been developed which provide for amendments to legislation governing the activity and registration of NGOs.

194. The process of establishing and consolidating the national legal framework in respect of refugees and internally displaced persons began in 1993 with the adoption of

important legislation. Since then, the President has signed 94 decrees and decisions, the Cabinet of Ministers has adopted 357 rulings and decisions and the Milli Mejlis has adopted 33 Acts concerning refugees and forcibly displaced persons.

195. It should also be noted that, as citizens of the country, forcibly displaced persons have all legal rights on an equal footing with other citizens. However, pursuant to the Acts on the status of refugees and forcibly displaced persons and on the social protection of forcibly displaced persons and persons with equivalent status, as well as other legislation, forcibly displaced persons also have additional rights and privileges.

196. Under paragraph 2 of Presidential Order No. 298 of 1 July 2004, the relevant State bodies are instructed to prevent the eviction of forcibly displaced persons who, during the period 1992–1998, settled temporarily in public buildings, apartments, plots and other places, regardless of the form of ownership, until such time as they can return to their ancestral lands or are resettled in apartments and housing areas built for their temporary residence. In implementation of this Order, over the past five years, representatives of the State Committee on Refugees and Forcibly Displaced Persons have taken part in 759 cases in the courts to protect the rights and interests of such persons. During the court proceedings, they have reminded the courts of the requirements of legislation in force in order to ensure that the rights of forcibly displaced persons are protected.

197. Forcibly displaced persons also have the right to lodge complaints with the European Court of Human Rights for compensation for the harm caused to them by Armenia. The European Court of Human Rights is currently considering a claim for compensation by Armenia for harm caused in respect of the treatment of forcibly displaced persons.

198. The following social protection measures apply to forcibly displaced persons:

- Pursuant to paragraph 9.1.20 of the State Duty Act, forcibly displaced persons are exempt from payment of State duty for any claims bought before court;
- A presidential order of 4 August 2003 provides that forcibly displaced persons studying in State higher and secondary general education institutions are exempt from education fees;
- Forcibly displaced persons are exempt from payment for utilities and other household services (electricity, natural gas, drinking water, telephone line charges);
- Forcibly displaced persons who have in the past worked at State-funded enterprises, who lost their job for reasons beyond their control and who have still not found work receive an allowance equal to the average monthly wage;
- Forcibly displaced persons are given free medical examinations and treatment;
- Forcibly displaced persons are exempt from payment of State duty for their identity cards;
- Forcibly displaced persons are exempt from the payment of income tax in the amount of 55 manats;
- Forcibly displaced persons are employed in government institutions, enterprises and organizations through established quotas, new job openings and other necessary arrangements. Forcibly displaced persons are not required to produce their employment record card when taken on for work. If the Government makes cutbacks in State institutions, enterprises or organizations, such persons are given priority in keeping their jobs;

- If forcibly displaced persons do not have the relevant documentation in respect of seniority, salary or pension, the amount is calculated according to procedure established in the Pensions Act.

199. On the basis of the Constitution, the Criminal Code, the Code of Civil Procedure and the Courts and Judges Act, the rights and freedoms of all citizens, including the forcibly displaced, are guaranteed before the courts. Everyone has the right to submit complaints to the courts in respect of the actions (or inaction) of State bodies, political parties, trade unions or other public associations or officials.

200. Twenty new regional courts have been set up in the regions in recent years to improve the accessibility of the courts to the population, including forcibly displaced persons, and the development of legal institutions.

201. Modern infrastructure is being constructed in the context of the Judicial Modernization Project organized jointly with the World Bank. In recent years, modern court buildings equipped with the latest information and communication technologies have been built and brought into use; the foundations have been laid and intensive construction work has begun on court buildings and multi-court complexes, which is a conceptual innovation in the country. The project also involves the creation of a single Internet portal for the judicial system (www.court.az) to facilitate access to the courts.

202. The e-Court information system, which identifies strategic priorities for the use of advanced information and communication technologies (ICT) in the courts was established pursuant to a presidential order of 13 February 2014.

203. The Government constantly reviews activities organized to enhance the effectiveness of the National Plan of Action to Combat Trafficking in Persons for the period 2009–2013, the protection of victims and their social rehabilitation, cooperation and education. A draft National Plan of Action to Combat Trafficking in Persons for the period 2014–2018 is currently under consideration.

204. Shelters and social rehabilitation for victims of trafficking in persons have been organized and instruments have been adopted to govern immediate and unrestricted access to special police structures, as have the telephone hotline charter, regulations for the Victims' Fund, a national referral mechanism for victims of trafficking, regulations on the identification of victims (indicators) and regulations governing the placement and support of child victims of trafficking.

205. The need to strengthen international cooperation in combating such crimes is a constant subject of attention. There is active cooperation with the competent authorities of the United States of America, Turkey, Austria, Bulgaria, Estonia, Latvia, Romania, China, Egypt, the United Arab Emirates, Pakistan, the Islamic Republic of Iran and other countries, as well as the United Nations, OSCE, the International Criminal Police Organization (Interpol) and the International Organization for Migration. Training courses on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, involving an expert panel with representatives of seven European countries, the European Union, OSCE, the International Organization for Migration and the American Bar Association, are offered for judges, prosecutors and lawyers.

206. Over the reporting period, staff of the State Migration Service of Azerbaijan have participated in various seminars and training courses on combating trafficking in human beings that have taken place in Azerbaijan, Germany, Austria, Ukraine and other countries, as well as in events organized together with the OSCE Office in Baku, the International Organization for Migration and other relevant international organizations. The Migration Service training and education centre also holds periodic training courses for the relevant units on the identification of victims of trafficking and forced labour, on the factors that

create conditions for human trafficking, and on implementation of the Trafficking in Persons Act and the National Plan of Action to Combat Trafficking in Persons for the period 2009–2013.

207. The training programme for border officials on the causes, consequences and incidence of trafficking in persons falls within the framework of the 2009–2013 National Plan of Action, which was approved by Presidential Decree No. 133 of 10 February 2009. The Plan includes the holding of seminars, conferences and training courses under European Union projects (the Eastern Partnership programme), the International Organization for Migration, the International Centre for Migration Policy Development, FRONTEX and working meetings of the GUAM – Organization for Democracy and Economic Development subgroup on trafficking. The issue is also included as a separate topic in the curriculum of the Academy of the State Border Service.

208. Two grant agreements for the period 2011–2013 were signed with the United States Agency for International Development and OSCE to help victims, to support governmental and non-governmental organizations and to achieve implementation of equitable justice.

209. In 2010, victims of trafficking lodged 34 complaints, resulting in the opening of 28 criminal cases, 20 of which were forwarded to the judicial authorities. Criminal charges were brought against 39 people (4 men and 35 women). Thirty-four victims of trafficking (1 man and 33 women) were identified, all of them citizens of Azerbaijan. The accused included 1 person aged between 18 and 25 years, 12 between 25 and 35, and 26 over the age of 35. The victims were 3 minors, 13 persons aged between 18 and 25, 16 aged between 25 and 35, and 2 over the age of 35.

210. In 2011, victims of trafficking lodged 29 complaints, resulting in the opening of 17 criminal cases, 12 of which were referred to the courts. Criminal charges were brought against 20 persons (2 men and 18 women). Twenty-nine victims of trafficking (1 man and 28 women) were identified, all of them citizens of Azerbaijan. The accused included 2 persons aged between 18 and 25, 1 aged between 25 and 35, and 17 over the age of 35. The victims included 1 minor, 5 persons aged between 18 and 25, 18 aged between 25 and 35 and 5 over the age of 35.

211. In 2012, victims of trafficking lodged 53 complaints. Twelve criminal cases were brought in connection with trafficking in persons and crimes of forced labour. Investigations were completed and forwarded to court in 11 of those cases. Twenty-two persons (10 men and 12 women) were brought to justice and 53 victims of trafficking (18 men and 35 women) were identified. One of them was a citizen of the Islamic Republic of Iran, while all the others were citizens of Azerbaijan. The accused included 3 persons aged between 18 and 25 years, 7 aged between 25 and 35 and 12 over the age of 35. The victims included 2 minors, 9 persons aged between 18 and 25, 26 aged between 25 and 35 and 16 over the age of 35.

212. In 2013, 21 criminal cases were brought for trafficking in persons and forced labour, of which 12 were referred to court. Seventeen persons were charged. A total of 56 victims were identified, of which 53 were citizens of Azerbaijan, 2 were citizens of Uzbekistan and 1 was a citizen of the Philippines. The victims included 1 minor, 21 persons aged between 18 and 25 years, 27 aged between 25 and 35 years and 7 over the age of 35.

213. During the period 2010–2013, 124 victims of trafficking were placed in shelters (27 in 2010, 18 in 2011, 42 in 2012 and 37 in 2013). They were provided with medical and psychological care, as well as adequate clothing. A total of 156 victims (30 in 2010, 28 in 2011, 48 in 2012 and 50 in 2013) were given a one-time allowance during the period of reintegration. The Relief Fund for Victims of Trafficking has helped 74 persons (5 in 2010, 21 in 2011, 35 in 2012 and 13 in 2013).

214. The website of the Department for Combating Trafficking in Persons (www.iaqmi.gov.az) provides regular information on its activities. Pursuant to the Assistance to Victims of Trafficking Act, the Ministry of Labour and Social Protection has set up a Centre for Victims of Human Trafficking. Since it opened at the beginning of 2009, the Centre has provided psychological, legal, medical, financial and other forms of assistance to a total of 279 persons, of whom 166 were victims of trafficking in persons and 113 were potential victims.

215. To improve the legislative framework in this area in line with paragraph 7 of the National Plan of Action to Combat Trafficking in Persons, the Cabinet of Ministers adopted Order No. 42 of 24 February 2010 approving regulations governing the social rehabilitation of victims of trafficking in persons.

216. On 26 May 2011, it also adopted a Decree in line with paragraph 3 of the Action Plan, approving a programme to address social problems that contribute to the development of human trafficking.

217. With the support of OSCE, the Centre for Victims of Human Trafficking holds annual events involving the staff of the urban and regional Social Protection Centres in order to raise awareness of the problem of human trafficking and to promote skills acquisition related to the ethical treatment of victims. In 2013, seminars were held on the topic for social workers in Xızı, Siyäzän, Şabran, Şamaxi, Ağsu, Qobustan, Salyan, Biläsuvar, Bärdä, Tärtär and Yevlax regions.

218. Since it opened, the Centre has helped 279 victims of trafficking in persons.

219. Seventy-five persons have been given psychological support, 50 have been given legal assistance and 30 have been given medical care. Another 155 people have been sent for preventive training, jobs have been found for 37 persons, 6 persons have received material assistance, 8 have been given medicines and places have been found in kindergartens and nurseries for children of 3 victims of trafficking.

220. Along with that, on the basis of applications from the International Organization for Migration, four people have been placed in the temporary shelter of the Gäncä Regional Centre for rehabilitation and reintegration. At the request of the Children's Association of Azerbaijan, 24 victims and potential victims of trafficking were given domestic and material assistance.

221. The Centre works permanently with government agencies such as the Ministry of Health, the Ministry of Internal Affairs and the Ministry of Foreign Affairs to ensure that victims receive skilled assistance.

222. Its regular collaboration with international and non-governmental organizations enhances the efficiency of its work.

Article 3

223. The rights of persons who have acquired refugee status in Azerbaijan are governed by the Migration Code, the Status of Refugees and Forcibly (Internally) Displaced Persons Act, and the Presidential Decree on the procedure for considering refugee status applications.

224. Asylum seekers in Azerbaijan are not subjected to any form of discrimination.

225. The State Migration Service is also working in close cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) to prohibit any form of discrimination, whether it be on racial, ethnic or national grounds, or against asylum

seekers or persons not officially recognized as refugees who are in need of subsidiary protection.

226. There may be no violation of human rights, ill-treatment, abuse of authority, or any other negative occurrence against foreign nationals held in administrative detention. A noticeboard has been put up in the Research Centre providing contact telephone numbers for the Ombudsman and the National Committee against Torture.

227. As of 1 August 2013, the UNHCR representation in Azerbaijan had issued protection documents to 1,466 persons, comprising 668 families, who had confirmation of permanent and temporary protection.

228. Out of those persons listed above, 63 are refugees, 822 benefit from permanent protection, 452 from temporary protection, and 129 have applications pending; 858 are men and 608 are women.

229. Persons under the protection of the UNHCR representation in Azerbaijan in accordance with paragraph 1 (a) of the Convention relating to the Status of Refugees of 1951, by virtue of being under the protection mandate of UNHCR, are not subjected to either administrative or forcible deportation from Azerbaijan.

230. During the period 2009–2013, the State Migration Service registered 339 applications for refugee status.

231. Of those applications 314 were made by men and 25 by women; 132 applicants were under the age of 30, 128 were aged between 30 and 40, and 79 were over 40.

232. Over the reporting period, the State Migration Service registered four applications for refugee status from foreign nationals serving a sentence in correctional establishments in Azerbaijan (all four were men; three were under the age of 40 and one was older).

233. During the period 2009–2013, the State Migration Service granted refugee status to 6 applicants (14 persons including the members of their families). Of the applicants who acquired refugee status, four were men and two were women. Four were under 30, one was aged between 30 and 40, and one was over 40.

234. Taking into account the data on persons who acquired refugee status in previous years, there are currently 50 applicants for refugee status (68 persons including the members of their families) on the list of the State Migration Service.

235. Over the reporting period, 6 persons (14 including the members of their families) were successful in their applications for refugee status on account of the possibility of them being subjected to persecution or torture by State authorities should they return to their country of origin.

236. Out of the 2,841 foreign nationals detained in 2010 who did not have the right to stay or live in Azerbaijan, 2,808 were deported and 33 persons were fined.

- In 2011, out of the 3,027 foreign nationals detained, 3,015 were deported and 12 fined;
- In 2012, out of the 3,610 foreign nationals detained, 3,562 were deported and 48 were fined;
- In 2013, out of the 1,037 foreign nationals detained, 637 were deported and 400 fined.

237. In 2010, the State Migration Service identified 12,094 cases of foreign nationals in violation of administrative legislation. Of that number, 2,796 persons were given legal permission to reside in the country as there were sufficient grounds, and the decision was

made to carry out the administrative deportation of 1,284 foreign nationals. A further 8,014 migrants living illegally in the country left Azerbaijan voluntarily.

238. In 2011, the State Migration Service identified 12,530 cases of foreign nationals in violation of administrative legislation. Of that number, 2,338 persons were given legal permission to reside in the country as there were sufficient grounds, and the decision was made to carry out the administrative deportation of 2,004 foreign nationals. A further 8,058 migrants living illegally in the country left Azerbaijan voluntarily. The appropriate decisions were made regarding the issuance of new papers to 130 foreign nationals who had lost the papers issued to them by the State Migration Service.

239. In 2012, the State Migration Service identified 20,754 cases of foreign nationals in violation of administrative legislation. Of that number, 3,409 persons were given legal permission to reside in the country as there were sufficient grounds, and the decision was made to carry out the administrative deportation of 1,706 foreign nationals. A further 15,540 migrants living illegally in the country left Azerbaijan voluntarily. The appropriate decisions were made regarding the issuance of new papers to 99 foreign nationals who had lost the papers issued to them by the State Migration Service.

240. In 2013, the State Migration Service identified 33,783 cases of foreign nationals in violation of administrative legislation. Of that number, 3,465 persons were given legal permission to reside in the country as there were sufficient grounds, and the decision was made to carry out the administrative deportation of 1,968 foreign nationals. A further 28,184 migrants living illegally in the country left Azerbaijan voluntarily. The appropriate decisions were made regarding the issuance of new papers to 166 foreign nationals who had lost the papers issued to them by the State Migration Service.

241. Over the period 2009–2013, 17 requests for extradition were received (0 in 2009, 11 in 2010, 6 in 2011, 0 in 2012, 0 in the first 6 months of 2013). Of the 17 persons in total, 10 were extradited upon request.

242. Article 78 of the Migration Code stipulates that foreign nationals and stateless persons may be deported from Azerbaijan in the following cases:

- If they are sentenced to forcible deportation from Azerbaijan for the commission of a crime;
- If they are subject to administrative deportation as a penalty for the commission of an administrative offence;
- If a decision is made to deport foreign nationals and stateless persons in accordance with article 79 of the current Code (see below).

243. Under article 445.1 of the Code of Administrative Offences, if a complaint or objection is filed against a decision, the judge or competent body (or official) that pronounced the decision on the application of the administrative penalty must ensure its suspension until the complaint or objection is considered. A suspension order is issued and, when necessary, sent immediately to the body (or official) enforcing the decision.

244. The above-mentioned provisions of this article also apply to the administrative sanction of deportation adopted by the State Migration Service for the commission of an administrative offence by foreign nationals or stateless persons.

245. Under article 79 of the Migration Code, the State Migration Service may take the decision to deport foreign nationals and stateless persons in the following cases:

- If their visa, the decision to extend the length of their temporary residency, or their temporary or permanent residence permit is cancelled;
- If it is decided that their further stay in Azerbaijan is undesirable;

- If, in the case of foreign nationals or stateless persons who have been discharged from serving their sentence, there are no grounds under the current Code that justify granting them residency in Azerbaijan.

246. Under the Migration Code, a decision cannot be made to deport foreign nationals or stateless persons who have acquired refugee status or political asylum in Azerbaijan. Furthermore, foreign nationals and stateless persons who are recognized victims of human trafficking cannot be deported until one year has passed, and foreign nationals and stateless persons who are helping criminal prosecution bodies cannot be deported until the criminal prosecution is finished.

247. The necessary conditions have been established for foreign nationals and stateless persons to make an application to the UNHCR representation in Azerbaijan. Such persons who are under the protection of UNHCR are not deported.

248. Under article 52.2.7 of the Criminal Code, persons cannot be forcibly deported as punishment if there is good reason to believe that, after the forcible deportation, they will be subjected to harassment or persecution in their country of residence.

249. Article 3.2.2 of the Extradition of Offenders Act stipulates that extradition may be refused if there are sufficient grounds for supposing that the individual concerned will, if extradited to the country making the request, be subjected to torture, cruel, inhuman or degrading treatment or punishment.

250. In accordance with the Status of Refugees and Forcibly (Internally) Displaced Persons Act, non-nationals of Azerbaijan who, being outside the country of which they are nationals and having good reason to fear that they may be harmed on grounds of race, ethnicity, faith or affiliation to a particular social group or political conviction, are unable or unwilling on account of their misgivings to seek the protection of that country, or persons of undetermined citizenship finding themselves outside the country where they used to live as a result of similar circumstances, and who are unable or unwilling to return there on account of their misgivings cannot under any circumstances be sent or forcibly returned to a country where their life or freedom might be at risk.

251. Under the above-mentioned Act, a person who has applied for refugee status may not be sent, handed over or forcibly returned to another country until the relevant executive authority has reached a decision on his or her case. The decision to deprive a refugee of his or her refugee status and to send, hand over or forcibly return him or her, or any persons wishing to obtain refugee status, to another country is taken by a court on the basis of a communication from the relevant executive authority.

252. It should be noted that, in order to guarantee in practice the rights of extradited persons, post-extradition monitoring of detention conditions has been carried out. UNHCR has welcomed as exemplary the approach adopted by the Government of Azerbaijan.

253. As there was no executive authority in Azerbaijan responsible for the procedures of determining refugee status during the 1990s, the registration of and consideration of refugee status applications made by Russian Federation nationals of Chechen origin and the appropriate decision-making process regarding such persons was carried out by the UNHCR representation in Azerbaijan. Such persons are now under the protection of the above-mentioned international organization.

Articles 5, 6, 7, 8 and 9

254. In 2012, requests for the extradition of 12 persons were sent to the competent authorities of various states. Three were sent to the United Arab Emirates, two to the Islamic Republic of Iran, two to Turkey, one to Italy, one to the United States of America,

one to Greece, one to Saudi Arabia and one to Germany. As a result of the measures taken, one person was extradited to and one person was removed from Turkey.

255. In 2013, three extradition requests were sent to the competent authorities of Turkey, three to the United Arab Emirates, one to Belgium, one to Denmark and one to Norway and a request for the extradition of one person was received from the Islamic Republic of Iran, with regard to which steps are currently being taken to establish the location of the person in question.

256. As a result of the measures that have been implemented, one person has been extradited to Azerbaijan from Belgium, as have three persons from the United Kingdom of Great Britain and Northern Ireland. On the other hand, in 2012, Belgium refused a request for the extradition of a detained person on account of that person's refugee status and also because the person had committed a war crime.

257. Despite the refusals in certain cases, there is a lack of information as to the criminal prosecution of such cases by the States parties in question.

258. Azerbaijan has not sent any requests for the extradition of persons accused of ill-treatment and torture, and nor have any such requests been received by the Ministry of Justice.

259. Azerbaijan is a party to multilateral instruments providing for the legal mechanism of extradition, including the European Convention on Extradition of 13 December 1957 and the Additional Protocols thereto of 15 October 1975 and 17 March 1978, the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988; it also cooperates with other countries in the context of bilateral agreements on extradition.

Article 10

260. Detained persons sent to remand centres must undergo a thorough examination by the medical staff of the establishment. The results of the examination, including any identified traces of torture or other forms of physical coercion, must immediately be noted in the medical records, which may be viewed by the detainees. If any doubts arise when identifying such signs on the bodies of detainees, or if particular skills are required for their investigation, then the staff of the medical department of the establishment must be consulted. In order to enhance knowledge in this field, medical staff of correctional institutes are taking part in seminars organized by the Central Medical Authority of the Ministry of Justice on the topic of torture and other cruel, inhuman or degrading treatment or punishment. During these sessions, particular emphasis is put on the investigation and documentation of acts of torture and injuries.

261. Those who attended the initial training courses, held at the Prison Service Training Centre, received 64 hours of instruction on human rights.

262. Under paragraph 2.2 of the Instruction on the guarding and escorting of persons held in temporary detention facilities by police authorities, approved by Ministry of Internal Affairs Order No. Q1-001-13 of 14 January 2013, police officers who have been working for less than a year are not permitted to take up service in temporary detention facilities.

263. Given that the effectiveness of police activity is directly dependent on the level of the professional training and knowledge of police officers, and in order to guarantee the rights of detainees, police officers at temporary detention facilities have been given training on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and on national legislation guaranteeing the rights of detained or arrested

persons. Special courses on human rights are also included as a separate subject in the curriculum of the Police Academy and the Police College.

264. During the lessons conducted with police officers working in temporary detention facilities, a significant amount of time was spent on the topics of human and civil rights, ensuring the rights of detained or arrested persons, and rules of detention.

265. Forty-six officials from the Ministry of Internal Affairs participated in events organized between 2010 and 2013 by the Baku Office of OSCE and other international organizations involved in violence prevention.

266. In order to form specialized expert groups to ensure the proper application in the work of the procurator's office of the important international and the main European conventions, Order No. 10/102 of 12 November 2010 on ensuring more effective compliance with obligations arising from international treaties to which Azerbaijan is a party was signed.

267. Towards implementation of the Order, an expert group was set up pursuant to Order No. 10/104 of 18 November 2011 on the office of the procurator-general. The group comprises representatives of the relevant units of the office of the procurator-general and has the task of addressing the international treaties adopted in the field of combating torture and other cruel and inhuman treatment.

268. The group's remit includes carrying out continuous operations, as well as monitoring and studying the quality of the investigations conducted in local procurators' offices into complaints and reports received regarding torture and other cruel, inhuman or degrading treatment or punishment.

269. On 20 December 2012, the expert group prepared and sent to local procurators' offices a detailed guide on ensuring the full and thorough investigation of complaints and reports of torture and other cruel and degrading treatment and punishment, and making objective decisions.

Article 11

270. During 2010, the temporary holding facilities of municipal and district police stations held a total of 14,987 persons: 273 foreign nationals and stateless persons, 523 military personnel, 56 minors, 231 women, 10 persons ordered by a court to receive psychiatric treatment and 13,894 other persons.

271. In 2011, such facilities held 19,632 persons: 190 foreign nationals and stateless persons, 693 military personnel, 103 minors, 213 women, 7 persons ordered by a court to receive psychiatric treatment and 18,426 other persons.

272. In 2012, such facilities held 21,600 persons: 261 foreign nationals and stateless persons, 792 military personnel, 148 minors, 282 women, 42 persons ordered by a court to receive psychiatric treatment and 20,075 other persons.

273. In 2013, such facilities held 22,001 persons: 250 foreign nationals and stateless persons, 963 military personnel, 157 minors, 317 women, 8 persons ordered by a court to receive psychiatric treatment and 20,306 other persons.

274. National legislation does not provide for statistics on the ethnicity of persons who have committed offences to be recorded.

275. For the period 2009–2013, the courts sentenced 37 persons to life imprisonment: 10 persons in 2009, 9 in 2010, 5 in 2011, 9 in 2012 and 4 in the first six months of 2013.

276. In 2009, there were 105 recorded cases of deaths in correctional institutes, of which 88 were convicted persons and 17 were detainees. Two of the deaths were the result of suicide by hanging, 1 was murder, and 102 were caused by various diseases. The diagnoses of the 102 deceased persons were established as follows:

- 28 persons died from tuberculosis;
- 19 from heart disease;
- 15 from cancer;
- 10 from infectious diseases;
- 8 from craniocerebral disease;
- 4 from liver disease;
- 4 from hypertension;
- 2 from pulmonary disease;
- 2 from kidney disease;
- 10 from other illnesses.

277. Data for 2009 indicates that the 105 persons who died in correctional institutes can be grouped according to the offences for which they were convicted as follows:

- 37 persons were convicted for crimes linked to the illicit traffic of narcotic drugs and psychotropic substances;
- 30 for offences against life and health;
- 20 for property offences;
- 7 for offences against public safety;
- 4 for offences against the sexual integrity and sexual freedom of the individual;
- 2 for offences against administrative order;
- 1 for offences against military service;
- 1 for offences against peace and humanity;
- 1 for offences related to economic activity;
- 1 for offences against constitutional human and civil rights and freedoms;
- 1 for cybercrime.

278. In 2010, there were 106 recorded cases of deaths in correctional institutes, of which 86 concerned convicted persons and 20 involved detainees. Of that number, there were 7 cases of suicide by hanging, 1 death was the result of falling from a height and 98 deaths were caused by various diseases. The diagnoses of the 98 deceased persons were established as follows:

- 23 persons died from tuberculosis;
- 15 from cancer;
- 14 from liver disease;
- 13 from heart disease;
- 10 from craniocerebral disease;
- 10 from pulmonary disease;

- 8 from infectious diseases;
- 5 from other illnesses.

279. Data for 2010 indicates that the 106 persons who died in correctional institutes can be grouped according to the offences for which they were convicted as follows:

- 49 persons were convicted for crimes linked to the illicit traffic of narcotic drugs and psychotropic substances;
- 26 for offences against life and health;
- 16 for property offences;
- 4 for offences related to economic activity;
- 3 for corruption-related offences and offences against the interests of the State service;
- 2 for offences against public safety;
- 2 for offences against justice;
- 1 for offences against traffic safety and the operation of transport vehicles;
- 1 for offences against the sexual integrity and sexual freedom of the individual;
- 1 for offences against constitutional human and civil rights and freedoms;
- 1 for offences against the foundations of the constitutional order and the security of the State.

280. In 2011, there were 113 recorded cases of deaths in correctional institutes, of which 93 were convicted persons and 20 were detainees. Of that number, 11 deaths were the result of suicide (10 cases of suicide by hanging, 1 by falling from a height) and 102 deaths were caused by various diseases. The diagnoses of the 102 deceased persons were established as follows:

- 18 persons died from heart disease;
- 17 from liver disease;
- 17 from tuberculosis;
- 11 from cancer;
- 8 from craniocerebral disease;
- 8 from pulmonary disease;
- 1 from kidney failure;
- 1 from acute bleeding;
- 1 from poisoning;
- 12 from other illnesses.

281. Data for 2011 indicates that the 113 persons who died in correctional institutes can be grouped according to the offences for which they were convicted as follows:

- 53 persons were convicted for crimes linked to the illicit traffic of narcotic drugs and psychotropic substances;
- 26 for property offences;
- 16 for offences against life and health;

- 5 for offences against public safety;
- 3 for offences against traffic safety and the operation of transport vehicles;
- 2 for offences against the freedom and dignity of the individual;
- 2 for offences against administrative order;
- 2 for offences against military service;
- 1 for offences against peace and humanity;
- 1 for offences against the sexual integrity and sexual freedom of the individual;
- 1 for offences related to economic activity;
- 1 for environmental offences.

282. In 2012, there were 111 recorded cases of deaths in correctional institutes, of which 93 were convicted persons and 18 were detainees. Of that number, 4 deaths were the result of suicide by hanging and 107 deaths were caused by various diseases. The diagnoses of the 107 deceased persons were established as follows:

- 30 persons died from heart disease;
- 18 from tuberculosis;
- 16 from cancer;
- 12 from liver disease;
- 11 from pulmonary disease;
- 6 from craniocerebral disease;
- 4 from kidney failure;
- 3 from infectious diseases;
- 2 from acute bleeding;
- 5 from other illnesses.

283. Data for 2012 indicates that the 111 persons who died in correctional institutes can be grouped according to the offences for which they were convicted as follows:

- 42 persons were convicted for crimes linked to the illicit traffic of narcotic drugs and psychotropic substances;
- 25 for property offence;
- 23 for offences against life and health;
- 7 for offences related to economic activity;
- 6 for offences against public safety;
- 3 for offences against the sexual integrity and sexual freedom of the individual;
- 2 for offences against the freedom and dignity of the individual;
- 1 for offences against administrative order;
- 1 for offences against the foundations of the constitutional order and the security of the State;
- 1 for offences against juveniles and family relations.

284. Up to 1 September 2013, there were 66 recorded cases of deaths in correctional institutes, of which 57 were convicted persons and 9 were detainees. Of that number, 2 deaths were the result of suicide by hanging and 64 deaths were caused by various diseases. The diagnoses of the 64 deceased persons were established as follows:

- 11 persons died from heart disease;
- 11 from cancer;
- 10 from tuberculosis;
- 8 from liver disease;
- 7 from craniocerebral disease;
- 4 from diabetes mellitus;
- 3 from infectious diseases;
- 2 from pulmonary disease;
- 10 from other illnesses.

285. Data for 2013 indicates that the 66 persons who died in correctional institutes can be grouped according to the offences for which they were convicted as follows:

- 24 persons were convicted for crimes linked to the illicit traffic of narcotic drugs and psychotropic substances;
- 17 for property offences;
- 16 for offences against life and health;
- 4 for offences related to economic activity;
- 3 for offences against traffic safety and the operation of transport vehicles;
- 1 for offences against public safety;
- 1 for offences against administrative order.

286. The result of the investigation conducted by the Naxçivan municipal procurator's office into the death that occurred on 28 August 2011 of Mr. Turac Shuriyye oglu Zeynalov, who was held in a remand centre of the Ministry of Justice Prison Service in the Naxçivan Autonomous Republic, is given in the response under article 4.4.

287. In respect of the suicide in 2010 of three convicted persons held in remand centres of the Ministry of Justice Prison Service, criminal proceedings were initiated under article 125 of the Criminal Code, an investigation was carried out and, on the grounds of articles 39.1.1, 39.1.2 and 280–281 of the Code of Criminal Procedure, the criminal cases were not brought to prosecution on account of the material gathered and the investigation conducted into the cases. Under article 39.1.2 of the Code of Criminal Procedure, criminal proceedings were not brought.

288. During the investigation conducted into these cases, it was established that, before he was charged, one of the accused persons who committed suicide had, according to the assessment of the Central Medical Commission of the Ministry of Defence, been discharged from the military in 2001 as a result of being diagnosed with paranoid schizophrenia. In 2009, he was held criminally liable for committing an offence, his remand in custody was ordered as a restrictive measure and, during his detention in the remand centre, he was in a state of psychosis for which he was provided with the necessary medical care.

289. In another case, the accused person, before committing suicide in the remand centre, suffered from "subdepression", a form of psychological emotional stress.

290. In 2010, investigations were conducted into five cases of accused persons attempting to commit suicide in the temporary detention facilities of district and municipal police stations and, on the grounds of articles 39.1.1, 39.1.2 and 212 of the Code of Criminal Procedure, decisions were taken to dismiss the initiation of criminal proceedings.

291. In one criminal case, initiated as a result of the suicide of an accused person who was being held in the temporary detention facility of the Nasimi district police department in Baku, two officers from this centre were held criminally liable under article 314.2 of the Criminal Code and were brought to court.

292. In 2011, criminal proceedings were initiated under article 125 of the Criminal Code in relation to the suicides of four accused persons who were being held in remand centres of the Ministry of Justice Prison Service. After an investigation was conducted, the cases were dismissed on the grounds of articles 39.1.1, 39.1.2 and 280–281 of the Code of Criminal Procedure.

293. In 2011, criminal proceedings were initiated under article 125 of the Criminal Code in relation to the suicides of three accused persons who were being held in the temporary detention facilities of district and municipal police stations. After an investigation was conducted, the cases were dismissed on the grounds of 39.1.12 and 280–281 of the Code of Criminal Procedure. In the same year, investigations were conducted into five cases of attempted suicide by persons held in temporary detention facilities, two of whom were being detained under administrative arrest and four of whom had been charged. With regard to the latter, remand in custody had been adopted as a restrictive measure.

294. In 2012, criminal proceedings were initiated under article 125 of the Criminal Code in relation to the suicides of four persons who were being held in a remand centre and one accused person who was being held in a treatment facility of the Ministry of Justice Prison Service. After an investigation was conducted, the cases were dismissed on the grounds of articles 39.1.1, 39.1.2 and 280–281 of the Code of Criminal Procedure.

295. In the same year, investigations were conducted by the relevant local procurators' offices into two cases of attempted suicide by persons who were being held in temporary detention facilities of district and municipal police stations. From the evidence gathered, and on the grounds of articles 39.1.1, 39.1.2 and 280–281 of the Code of Criminal Procedure, it was decided not to bring a criminal case.

296. In the first six months of 2013, criminal proceedings were initiated under article 125 of the Criminal Code in relation to the suicide of an accused person being held in a remand centre of the Ministry of Justice Prison Service. An investigation was conducted and the case was dismissed on the grounds of articles 39.1.1, 39.1.2 and 280–281 of the Code of Criminal Procedure. At present, investigations are ongoing into the criminal proceedings initiated under article 125 of the Criminal Code in relation to the suicide of one accused person.

297. During the investigation of cases of suicide or attempted suicide by persons held in remand centres and temporary detention facilities, an examination is conducted of the site where the events occurred and of the bodies of the deceased with the help of forensic resources and forensic experts and specialists. Thorough explanations and statements are obtained from persons who have attempted suicide, from witnesses to the events and from persons who have information about them. Physical and psychological forensic examinations, among others, are conducted and their results obtained, and other necessary steps are also taken. Based on the evidence gathered on these cases, objective decisions are made.

298. The indicators for suicide cases and the investigations conducted into them in correctional institutes from 2009 to 2012 and up to 1 September 2013 are shown below:

Reported year	*Number of suicides*	*Convicted/Detained*	*Cause of suicide*	*Results of the investigation*
2009	2	convicted	personal relationships	
		detained	mental disorder	
2010	7	detained	protest against detention	
		detained	protest against detention	
		detained	protest against detention	
		detained	protest against detention	
		detained	protest against detention	
		convicted	family relationships	
		convicted	family relationships	
2011	11	detained	family relationships	
		detained	family relationships	one officer disciplined
		detained	psychogenic depressive reaction	five officers disciplined
		convicted	personal relationships	two officers disciplined
		convicted	family relationships	two officers disciplined
		convicted	psychogenic depressive reaction	one officer disciplined
		convicted	family relationships	
2012	4	convicted	psychogenic depressive reaction	one officer disciplined
		convicted	domestic issues	one officer disciplined
		convicted to life imprisonment	family relationships	five officers disciplined
		convicted	protest against imprisonment	
2013 (1 September)	2	convicted	personal relationships	
		detained	protest against detention	

299. During the official investigations, no evidence was found of incitement to suicide or violence by prison staff or other convicts against the convicted prisoners who committed suicide.

300. Six suicides occurred in the temporary holding facilities of the Ministry of Internal Affairs between 2010 and 2013 (one in 2010, two in 2011, one in 2012 and two in 2013). In addition to the procurator's office initiating criminal proceedings into the suicides, official investigations were also conducted within the Ministry of Internal Affairs. As a result, 10 officers were dismissed from internal affairs bodies, 30 were disciplined in various ways and 2 were convicted.

301. Forensic examinations in Azerbaijan are subject to the Regulations on organizing and conducting forensic examinations in Azerbaijan, the Act of 18 November 1999 on State forensic activity and the Code of Criminal Procedure.

302. Pursuant to the above-mentioned acts and regulations, should any dispute arise regarding the results of the initial forensic examinations conducted during the inquiry into the statements or the information on the crime or during the criminal investigation, or should any doubts arise concerning their validity, additional and repeat forensic examinations are conducted by the forensic commission, ensuring the objectivity of the examination results.

303. During the investigations, these results are added to the inquiry documents and the criminal case file and, together with any other material gathered, they are subjected to a legal assessment.

304. Existing acts and regulations also stipulate that forensic examinations may be conducted at the initiative of parties involved in the criminal proceedings.

305. Should the forensic examination be conducted at the initiative of parties to the criminal proceedings, the results are included in the inquiry documents and criminal case file, in accordance with established procedure, and are assessed accordingly.

306. Detained or arrested persons are held in shared or single cells in line with the Act on the rights and freedoms of persons held in places of detention and its article 29 (which sets out the procedure for holding women in detention facilities), article 30 (which sets out the procedure for holding minors in detention facilities) and article 35 (which establishes that the age, sex, previous convictions and health of detained or arrested persons are taken into consideration when placing them in cells).

307. Detained or arrested persons may be placed in single cells in the following circumstances:

- If a written request is submitted by the detained or arrested person asking to be placed in a single cell;
- In order to prevent risks that have arisen to the life or health of the detained or arrested person;
- If there is no other way of meeting the requirements provided for in article 35.

308. It should be noted that there are no provisions for punishment cells in the temporary detention facilities of municipal and district police stations.

309. Under article 121 of the Sentence Enforcement Code, convicted persons in prisons are held in shared cells. However, where necessary, and when provided for by the law, they may be placed in single cells for a specified period of time by reasoned decision of the prison authorities. Convicted persons held in single cells are subject to more monitoring and surveillance. The mechanism for holding convicted persons in single cells is explained in paragraphs 13.3 and 13.4 of the rules governing internal procedure in correctional institutions.

310. Decision No. 3-N of 13 July 2012, adopted by the Board of the Ministry of Justice, introduced amendments to the rules that convicted persons may be transferred to single

cells in two main cases: to guarantee their personal safety and when it is impossible to hold them with other convicted persons. The decision to hold a convicted person in a single cell and to extend this period of detention is issued to the convicted person against signature, and he or she is also informed of the right to submit a complaint against this decision. The prison management takes such decisions once every two months.

311. Data on the detention of convicted persons in single cells in prisons during the reporting years is shown below:

- 2009 – six convicted persons;
- 2010 – five convicted persons;
- 2011 – six convicted persons;
- 2012 – six convicted persons;
- 2013 – six convicted persons.

312. The above-mentioned convicted persons were held in single cells on the grounds of written requests from them. One exception to this concerns a person sentenced to life imprisonment. In accordance with a reasoned decision of the prison authorities, because of illegal acts against prison officers and incitement of the other prisoners to unlawful acts, and in order to ensure his own personal safety, Mr. Ş Rzaxanov was held in a single cell between 2009 and 2010. Since 16 December 2010, Mr. Rzaxanov has been serving his sentence together with other convicted persons.

313. With regard to reforming juvenile justice, under the memorandum of understanding signed between the United Nations Children's Fund (UNICEF), the Baku Office of OSCE and the Alliance of Non-Governmental Organizations, a pilot project entitled "Legal aid for children in conflict with the law" was implemented in the Narimanov, Nizami and Xatai districts of Baku. In accordance with the conditions of the Children's Legal Clinic programme, minors who had committed crimes and other unlawful acts participated in the project. Awareness-raising work was carried out and an individual care plan was created for each person. The minors who participated in the project received material, social and legal assistance.

314. According to criminal procedural law, regardless of a minor's status in criminal proceedings, he or she may be questioned only in the presence of his or her parents or teachers. It is mandatory for a defence counsel and legal representative to take part in a criminal case involving a minor.

315. Remand in custody as a restrictive measure is applied to minors only in extreme cases (under article 434.1 of the Code of Criminal Procedure, minors may be detained and remanded in custody if they have committed a violent minor offence or a serious or especially serious offence). Minors in custody are held separately from adults.

316. The fundamental principles of protecting the rights of children are incorporated into the concept of juvenile justice; they include criminal prosecution of minors, administration of justice and procedures for enforcing sentences and are reflected in national legislation. Cooperation is continuing with UNICEF in this field.

317. At the same time, a bill on juvenile justice has been developed and is currently being negotiated.

318. The Presidential Decree of 8 May 2012 approved the Rules governing State monitoring of respect for children's rights. The fundamental aim of the State monitoring is to protect the rights and interests of the child as enshrined in the Constitution and laws of Azerbaijan, to establish favourable conditions whereby the rights of the child are guaranteed, and to prevent and eliminate the causes that lead to their violation.

319. Data on complaints submitted concerning inhuman treatment by prison officers and the investigations conducted into those complaints is shown below:

Reported year	*Total number of complaints*	*Complaints resubmitted*	*Number of complainants*	*Result of the investigation*
2012	2	1	1	Unsubstantiated

320. No complaints were submitted concerning inhuman treatment of minors by prison officers between 2009 and 2011 or in the first six months of 2013.

321. With regard to ensuring that minors are held separately from adults in remand centres, it should be noted that past cases in which that was not done have now been addressed. The inadmissibility of this practice is enshrined in article 35.2.2 of the Act on the rights and freedoms of persons held in custody.

322. The conditions in which minors are held and the review of those conditions continue to be a priority. Under article 30 (procedures for holding minors in custody) of the above-mentioned Act, minors benefit from better living conditions, whereby they are provided with special dietary standards. Daily exercise time for minors must be no less than three hours and such disciplinary measures as detention in a punishment cell are prohibited. In compliance with the internal regulations, the administration arranges for minors to watch television programmes, continue their secondary education and practise sport.

323. In remand centres and newly established prisons, there are plans to build cells (or accommodation) for minors that meet modern requirements.

324. In the Baku remand centre, which became operational in 2009, there are seven two-bed cells measuring 8 square metres and eight six-bed cells each measuring 24 square metres. In remand centre No. 2 for the detention of minors, there is the provision for one six-bed cell measuring 30 square metres in the second building. All the cells have been renovated, equipped with sanitary facilities, a continuous supply of water and heating, and also with televisions and board games. In the remand centre of the prison currently being built in Gäncä, there will be six two-bed cells each measuring 10 square metres for minors and two four-bed cells each measuring 20 square metres. The remand centre put into operation in Şäki prison and the one being built in Länkäran prison do not have separate cells for minors but, if necessary, specially allocated cells may be used for this purpose.

325. Under article 92.3.5 of the Code of Criminal Procedure, if a suspect or charged person was a minor at the time the offence was committed, then the authorities conducting the criminal proceedings must ensure the participation of a defence counsel in the criminal proceedings. Article 92.12 of the same Code stipulates that any refusal to have a defence counsel by a suspect or charged person who was a minor at the time the offence was committed cannot be accepted. He or she is compulsorily provided with a defence counsel or the person appointed as defence counsel retains his or her mandate.

326. Under article 100.2.2 of the Code of Criminal Procedure, victims, civil plaintiffs, suspects or charged persons and civil respondents under the age of 14 are recognized as lacking legal capacity and, if they are aged between 14 and 18, their legal capacity is limited.

327. Article 101.1 of the Code of Criminal Procedure stipulates that, if victims, civil plaintiffs, suspects or charged persons or civil respondents of limited or no legal capacity do not have a parent, adoptive parent, tutor or guardian, then the authorities conducting the criminal proceedings must appoint a tutorship and guardianship agency as their legal representative.

328. Under article 101.2 of the above-mentioned Code, the authorities conducting the criminal proceedings may decide to permit only one of the parents, adoptive parents, tutors or guardians of a victim, civil plaintiff, suspect or charged person or civil respondent of limited or no legal capacity to participate in the criminal proceedings as a legal representative.

329. During the preliminary investigation for criminal cases initiated against minors, the same requirements of civil procedural law are observed, the participation of defence counsel and legal representatives are guaranteed, and the investigative activities regarding their case are also conducted with the participation of those persons.

330. Article 434.1 of the Code of Criminal Procedure stipulates that the imposition of restrictive detention on a minor who is suspected of or has been charged with a crime is permissible only when he or she is alleged to have committed a violent minor offence or a serious or especially serious offence.

331. To ensure that legislative requirements are met, the Procurator-General's Decree No. 10/70 of 28 July 2010, on improving the effectiveness of the procedural management by procurators of preliminary investigations, enhancing the monitoring of investigations and inquiries and further improving work in this field, established the need to ensure full compliance with the requirements of article 434 of the Code of Criminal Procedure, according to which restrictive detention may be imposed on minors who have been charged only as a measure of last resort and for the shortest possible period of time, and only when they are alleged to have committed a violent minor offence or a serious or especially serious offence. Before recommendations on the choice of restrictive detention for minors and women are submitted to the court, they must first be reported to the heads of the relevant departments or offices and sound written information on the recommendations must immediately be given to a higher-level procurator.

332. During an investigation of a criminal case initiated against a minor who has been charged, the requirements of the Code of Criminal Procedure and of the Procurator-General's Decree must be met. Such issues are constantly monitored.

333. It was established during an investigation conducted by the Procurator-General that, in 2009, during investigations of criminal cases handled by the police department investigative units in the Suraxanı, Xazar, Sabunçu, Xatai and Səbail districts of Baku, the requirements of criminal procedural law and the decree of the Procurator-General were not respected in a series of cases when restrictive detention measures were being chosen for minors who had been charged. In that connection, the Procurator-General's decree No. 10/6-11/8 of 11 January 2010 disciplined officers from the procuratorial agencies of those districts.

334. The Public Affairs Committee under the Minister of Justice conducts monitoring of correctional institutions without giving prior notice. The Committee informs the Ministry of the visit after it presents the relevant reports. To ensure that they have unimpeded access to correctional institutions, all members of the Committee are provided with passes signed by the Minister of Justice.

335. During visits, members of the Committee may see any convicted person and may also familiarize themselves with the activities of the establishment and any relevant documents. The reports presented by the Committee are based on the results of these visits. The issues addressed in the reports are examined and resolved in accordance with legislation.

336. Data on the number of visits the Public Affairs Committee has made to correctional institutions and the reports prepared from such visits over the reporting period are shown below:

- 2009 – a total of 22 visits were made to: correctional institutions Nos. 1, 2 (2 visits), 4 (2 visits), 5, 6, 7 (2 visits), 9, 10, 11 (2 visits), 12, 13 and 17, a reform school for minors (2 visits), a treatment facility (2 visits) and a prison (2 visits);
- 2010 – a total of 22 visits were made to: correctional institutions Nos. 1, 2, 4, 5, 6, 7, 8, 9, 10 (2 visits), 11, 13 (2 visits), 14, 15, 16 and 17, a reform school for minors, a treatment facility (2 visits) and a prison (2 visits);
- 2011 – a total of 20 visits were made to: correctional institutions Nos. 1, 2, 4, 5, 6, 7, 9, 10, 11, 13 (2 visits), 14 (2 visits), 15, 16 and 17, a reform school for minors, a treatment facility and a prison;
- 2012 – a total of 19 visits were made to: correctional institutions Nos. 1, 2, 4, 5, 6, 8 (2 visits), 9, 10, 11 (2 visits), 12, 13, 14, 16 and 17, and open prisons Nos. 1, 13 and 14;
- First half of 2013 – a total of 6 visits were made to correctional institutions Nos. 2, 7, 10, 12, 15 and 16.

337. In accordance with legislative requirements, the Board of the Ministry of Justice adopted its Decision No. 7-N of 29 December 2011 approving the Rules on the public oversight of activities of correctional institutions. The rules were amended on 13 July 2012. No amendments were made to the procedure for ensuring unimpeded and transparent visits.

338. Under the above-mentioned rules, the members of the Public Affairs Committee have a one-year term of office. However, there are no limits to the number of times a member may be re-elected to the Committee. The Selection Board that forms the Committee uses its mandate broadly. Members of the Committee have been elected on numerous occasions. Committee members inform the public through their webpages and through the media of the monitoring that they have carried out. In addition to this, the monitoring and its outcomes are discussed during the Selection Board's information meetings, which are attended by representatives of the media.

339. Senior officials of the Ministry of National Security responds attentively to requests made by international governmental and non-governmental organizations to monitor the issue of torture and requests from relevant national bodies to visit the temporary detention facility and remand centre. These requests have generally always been granted. Data on the number of visits to the Ministry of National Security temporary detention facilities and remand centre from 2010 to 2013 are shown below:

- In 2010, the Azerbaijan Committee against Torture made 10 visits, the International Committee of the Red Cross – 3, the Ombudsman – 2, and OSCE observers – 1;
- In 2011, the Azerbaijan Committee against Torture made 10 visits, the International Committee of the Red Cross – 5, and the Ombudsman – 2;
- In 2012, the Azerbaijan Committee against Torture made 8 visits, the International Committee of the Red Cross – 3, the Ombudsman – 2 and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) – 1;
- In the first half of 2013, the Azerbaijan Committee against Torture made 3 visits, the International Committee of the Red Cross – 3, and the Ombudsman – 2.

340. The Ombudsman, the procuratorial agencies and international and non-governmental organizations are at liberty to go to the Ministry of Internal Affairs and visit detained persons in order to consider their complaints and also to talk to them in confidence. For the period 2010–2013, 1,602 monitoring investigations were conducted in temporary detention facilities.

341. To ensure that officers in Ministry of National Security temporary detention facilities and remand centres are systematically monitored for compliance with official requirements, surveillance cameras have been installed and video recordings are made continuously, 24 hours a day.

342. In order to enhance monitoring of the Ministry of Internal Affairs in respect of the service provided and the treatment of detained persons, 65 out of 68 temporary detention facilities have been equipped with alarm systems and 63 with video surveillance systems.

343. In order to better monitor convicted persons and to facilitate management, modern surveillance systems capable of recording 24 hours a day were installed and put into operation in the Baku remand centre in 2009 and in remand centres No. 2 and 3 in 2010. The newly opened Şäki prison and all other correctional institutions have been equipped with similar systems, which are in regular use. In order to ensure that detainees have the right to watch television programmes, 80 televisions have been installed in the cells of remand centre No. 2, 110 in remand centre No. 3, 615 in the Baku remand centre, and 36 in the remand centre of Şäki prison.

344. Clearer information on this issue will be available once an appropriate statutory instrument is drafted designating the competent executive authority responsible for establishing, reorganizing and closing down temporary detention facilities and remand centres.

345. No civil complaints regarding harassment by police of persons belonging to sexual minorities have been submitted to the Ministry of Internal Affairs, the Office of the Ombudsman, the Azerbaijan Committee against Torture, or non-governmental or international organizations. All necessary measures are being taken to eliminate discrimination and unethical behaviour towards citizens, in addition to measures aimed at ensuring the right to equality, as enshrined in article 25 of the Constitution.

346. No such cases have occurred in the temporary detention facility and remand centre of the Ministry of National Security.

347. No complaints or claims were made by persons belonging to sexual minorities in respect of actions of either prison officers or other detainees during the period 2009–2013.

Articles 12 and 13

348. Data on cases of torture and other inhuman treatment uncovered as a result of investigations conducted by the Prison Service over the period 2009–2013 are shown below:

Number of complaints	*Number of complainants*	*Sex*	*Age group*	*Geographical region*	*Ethnicity*	*Results of the investigation*
2009						
77 (44 repeat complaints)	33 (25 citizens, 8 prisoners)	17 women 16 men	18–50 (15 complaints)	Baku (19)	Azerbaijani (30)	No evidence found
			51–60 (7 complaints)	Gäncä (4)	Lezgin (2)	
			over 60 (2 complaints)	Bärdä (2)	Russian (1)	
			9 complainants did not disclose their age	Jalilabad (1)		
				Abşeron (1)		
				Salyan (1)		
				Şämkir (1)		

Number of complaints	*Number of complainants*	*Sex*	*Age group*	*Geographical region*	*Ethnicity*	*Results of the investigation*
				Beyläqan (1)		
				Naxçıvan (1)		
				Saatlı (1)		
				Göyçay (1)		
2010						
71 (31 repeat complaints)	40 (34 citizens, 6 prisoners)	21 women 19 men	18–50 (28 complaints)	Baku (16)	Azerbaijani (37)	No evidence found
				Bärdä (3)	Lezgin (3)	
			12 complainants did not disclose their age	Biläsuvar (2)		
				Zärdab (2)		
				Beyläqan (2)		
				Qusar (2)		
				Samukh (1)		
				Zaqatala (1)		
				Saatlı (1)		
				Salyan (1)		
				Şamaxı (1)		
				Quba (1)		
				Tärtär (1)		
				Şämkir (1)		
				Gädäbäy (1)		
				Haciqabul (1)		
				Mingäçevir (1)		
				Länkäran (1)		
				Astara (1)		
2011						
97 (28 repeat complaints)	69 (57 citizens, 12 prisoners)	35 women 34 men	18–50 (27 complaints)	Baku (35)	Azerbaijani (64)	No evidence found
				Kälbäcär (5)	Lezgin (3)	
			51–60 (21 complaints)	Sumqayıt (3)	Russian (2)	
				Bärdä (2)		
			over 60 (7 complaints)	Göyçay (2)		
				Länkäran (2)		
			14 complainants did not disclose their age	Yardımlı (2)		
				Jalilabad (2)		
				Naxcıvan (2)		
				Ağdam (1)		

Number of complaints	*Number of complainants*	*Sex*	*Age group*	*Geographical region*	*Ethnicity*	*Results of the investigation*
				Ağcabädi (1)		
				Mingäçevir (1)		
				Sabirabad (1)		
				Xızı (1)		
				Lerik (1)		
				Gäncä (1)		
				Qusar (1)		
				Tärtär (1)		
				Şamaxı (1)		
				Qazax (1)		
				Imişli (1)		
				Astara (1)		
				Qazax (1)		
2012						
63 (20 repeat complaints)	43 (29 citizens, 13 prisoners, 1 detainee)	16 women 27 men	18–50 (30 complaints)	Baku (10)	Azerbaijani (40)	No evidence found
			51–60 (8 complaints)	Sumqayıt (6)	Lezgin (1)	
				Astara (3)	Russian (2)	
			over 60 (2 complaints)	Göyçay (3)		
				Beyläqan (2)		
			3 complainants did not disclose their age	Goranboy (2)		
				Tovuz (2)		
				Gäncä (2)		
				Tärtär (1)		
				Naxçivan (1)		
				Länkäran (1)		
				Şäki (1)		
				Ucar (1)		
				Şirvan (1)		
				Qäbälä (1)		
				Jalilabad (1)		
				Füzuli (1)		
				Ağdam (1)		
				Şamaxı (1)		
				Lerik (1)		
				Samukh (1)		

Number of complaints	*Number of complainants*	*Sex*	*Age group*	*Geographical region*	*Ethnicity*	*Results of the investigation*
2013						
26 (10 repeated complaints)	16 (14 citizens, 2 prisoners)	9 women, 7 men	18–50 (10 complaints) 51–60 (4 complaints) over 60 (2 complaints)	Baku (5) Yevlax (2) Imişli (2) Şäki (1) Goranboy (1) Naxçivan (1) Bärdä (1) Lerik (1) Ağdaş (1) Masallı (1)	Azerbaijani (16)	No evidence found

349. Over the period 2010–2013, the Ministry of Internal Affairs received 984 complaints (272 in 2010, 321 in 2011, 174 in 2012, and 217 in 2013), investigations into which did not find any evidence of torture.

350. During the official investigations into these complaints, 115 officers were disciplined for the commission of other offences (improper implementation of Ministry of Internal Affairs decrees).

351. Over the last three years, the Ministry of Internal Affairs has not recorded any cases of torture committed by police officers or cases of cruel, inhuman or degrading treatment towards detained or arrested persons. However, other offences which were committed during official activity led to disciplinary action being taken against 50 police officers in 2011, 87 in 2012, and 45 in the first six months of 2013 (182 officers in total).

352. Over the period 2009–2013, a full and independent investigation was conducted into all complaints received by the Ministry of Internal Affairs regarding violations of human rights and freedoms. The commission of such unlawful activities as treating citizens roughly, detaining and bringing citizens in to the police station without any substantial reason, conducting unlawful searches and violating procedural norms resulted in 1,424 police officers being penalized (253 in 2009, 278 in 2010, 287 in 2011, 268 in 2012, and 338 in 2013) in the following ways:

- 16 were charged;
- 105 were dismissed from Ministry of Internal Affairs bodies;
- 97 were demoted;
- 10 were demoted from their special rank;
- 1,196 received other disciplinary measures.

353. The Office of the Procurator-General received 218 complaints of torture, cruel or inhuman treatment in 2010, 350 in 2011 and 110 in the first part of 2013. During the investigations into the complaints received, no grounds or cause provided for by law were found for initiating criminal proceedings against any official under article 293 of the Criminal Code.

354. Under the Freedom of Assembly Act, which reflects the rules established within a democratic society, the right to freedom of assembly for all is provided for by the Constitution, as well as by international treaties to which Azerbaijan is a party. The right to freedom of assembly may be restricted only in the interests of national security or public safety, for the prevention of disorder or crime, or for the protection of the health, spirituality, rights and freedoms of other persons.

355. Training sessions have been held in accordance with the relevant Ministry of Internal Affairs decree on drill practice for police forces and the rules on the use of impact munitions in municipal and district police stations. Officers have once again been informed of the legal grounds for using physical force and special measures to quell large-scale unrest. Classes and seminars have also been organized on the role of the police during demonstrations, demonstrations as an emblem of democracy, the respect and defence of human dignity, freedom of speech, cooperation between the police and organizers of demonstrations, crowd control and controlling large-scale unrest.

356. As part of the vocational training, German police experts who were invited to participate in the training familiarized Azerbaijani officers with information on best European practice for ensuring public order and public security during mass events and managing police guards during service.

357. If members of the public and NGOs submit complaints regarding torture carried out by police officers, inhuman and degrading treatment or violations of human rights and freedoms in any form, or if speeches or publications containing such information appear in the media, an independent structural subdivision of the Ministry of Internal Affairs, the Department of Internal Investigations, conducts an official investigation by way of internal oversight. In view of the fact that complaints against police officers are reviewed by legal and procuratorial bodies, the establishment of additional duplicate bodies is not considered necessary.

358. For the period 2010–2013, the Department of Internal Investigations found evidence of 1,247 violations committed by police officers (417 in 2010, 261 in 2011, 305 in 2012, and 264 in the first half of 2013), as a result of which 251 officers were dismissed from Ministry of Internal Affairs bodies. During internal investigations, no evidence was found of the use of torture or inhuman treatment.

359. Data for the period 2009–2013 on complaints regarding the use of excessive force by prison officers and investigations conducted into them are shown below:

Reporting year	*Total number of complaints*	*Repeat complaints*	*Number of complainants*	*Results of the investigation*
2009	31	19	12	No evidence found
2010	16	13	3	No evidence found
2011	12	5	7	No evidence found
2012	8	3	5	No evidence found
01.09.2013	6	2	4	No evidence found

360. Under paragraph 44.2 of the rules governing internal procedure in correctional institutions, adopted on 19 November 2010, the Ministry of Justice and the Prison Service must be immediately informed of the use of security measures against convicted persons. If such measures are used against convicted persons, they have the right to submit a complaint. If such measures are used unlawfully, the officers concerned are held liable.

361. In 2011, the Prison Service received six complaints from the chairperson of the Azerbaijan Committee against Torture, Mr. E. Behbudov, and the investigation into these cases led to the following results:

Name of the complainant	*Date and number of the complaint*	*Details of the complaint*	*Results of the investigation*	*Date and number of written reply*
E. Behbudov	09.03.2011 K-11–28	Threats against convicted prisoner Mr. E. Fatullayev in correctional institution No. 1	No evidence found	11.03.2011 17/1/92013
E. Behbudov	06.04.2011 K-11–40	Using special measures against convicted prisoner Mr. S. Isayev, and placing him in a punishment cell in correctional institution No. 14	No evidence found. E. Behbudov and the convict's mother, Ms. R. Isaeva, were received by the head of the Prison Service, Mr. M. Guliyev on 12.04.2011	26.04.2011 17/1/9-3758
E. Behbudov	16.05.2011 K-11–55	Torture of convicted prisoner Mr. T. Guliyev in correctional institution No. 8 by the chief Mr. B. Gurbanov	No evidence found	21.05.2011 17/1/4-5209
E. Behbudov	18.08.2011 K-11–101	Harassment of convicted prisoner Mr. N. Salifov in correctional institution No. 8	No evidence found	22.08.2011 17/1/4-8566
E. Behbudov	11.11.2011 K-11–127	Planned acts of provocation against convicted prisoner Mr. V. Isgenderli in correctional institution No. 14	No evidence found	22.11.2011 17/1/9-11585
E. Behbudov	13.12.2011 K-11–137	Conducting investigations into the death from probable torture of convicted prisoner Mr. A. Aliyev in correctional institution No. 6	No evidence found. Convicted person died from illness.	30.12.2011 17/1/7-13178

362. On 17 February 2007, Mr. Novruzali Khanmamed oglu Mammadov was brought to trial and, on the basis of a court decision, he was charged under article 274 of the Criminal Code and held in pretrial detention as a restrictive measure.

363. On 24 June 2008, the Serious Crimes Court sentenced Mr. Mammadov under article 274 of the Criminal Code to 10 years' imprisonment.

364. On 17 August 2009, at approximately 6 p.m., the Procurator's Office of the Nizami district of Baku was notified of the death of Mr. N.K. Mammadov, who was being treated for an illness in the Prison Service treatment facility.

365. In connection with this, the assistant procurator of the Nizami district of Baku and forensic specialists conducted an examination of the area where Mr. Mammadov had been detained and his body. A forensic examination was called for to establish the cause of death.

366. During the examination of Mr. Mammadov's body, no injuries or traces of bodily injury were identified.

367. It was established that, on 28 July 2009, Mr. Mammadov had been admitted to the neurological department of the treatment facility in correctional institution No. 15 of the Ministry of Justice Prison Service in a satisfactory condition and was diagnosed with osteochondrosis of the vertebrae of the neck and spine and plexitis of the right side.

368. According to the discharge note issued by the treatment facility, Mr. Mammadov was given the following diagnosis: osteochondrisis of the vertebrae of the neck and spine, plexitis of the right side, hypertension gradually moving towards stage two, residual signs of acute bronchitis, early stages of cataract in both eyes, breakdown of vitreous structures, hypertensive angiosclerosis, stage-one toxic nodular goiter, prostate adenoma, and chronic urinary retention.

369. During the examination, doctors at the treatment facility and convicted persons receiving care in the wards next to where Mr. Mammadov had been treated attested to the fact that, from the moment he had been admitted to the facility, he had been given the necessary medical assistance and no unlawful acts had been committed against him.

370. Forensic examination report No. 105 of 29 August 2009 indicated that, during the examination of Mr. Mammadov's body, besides punctiform injuries in both cubital fossae, no other injuries were identified on his body. The punctiform injuries were traces of the medical aid he had received via injection. The cause of death was acute brain infarct. He died in the treatment facility at 6.07 p.m. on 17 August 2009. No ethyl alcohol or narcotic substances were identified in the blood or urine samples taken from Mr. Mammadov's body during the forensic chemical tests.

371. Report No. 177 of the forensic commission examination, conducted at the Association of Forensic Medicine and Pathology, found that Mr. Mammadov had suffered from the following illnesses: osteochondrisis of the vertebrae of the neck and spine, plexitis of the right side of the neck, hypertension gradually moving towards stage two, residual signs of acute bronchitis, chronic cholecystitis, early stages of cataract in both eyes, prostate adenoma, acute cerebral venous sinus thrombosis, cardiovascular insufficiency, cerebral arteriosclerosis and acute brain infarct, which, after a short period of time, led to his death. The other illnesses had developed as a result of long-term pathological processes occurring in the body because, as was indicated in the descriptive part of the judgement, it is not possible for them to form over a short period of time. Of the above-mentioned illnesses, only the osteochondrisis and cerebral arteriosclerosis contributed significantly to the brain infarct occurring. Mr. Mammadov's diagnosis was confirmed by clinical, laboratory and instrumental tests. The treatment for this diagnosis had been administered promptly, comprehensively and consistently. The diagnosis and the treatment administered were in no way linked to his death.

372. Given that, during the investigation, no crime was established in respect of Mr. Mammadov's death, pursuant to articles 39.1.1 and 212 of the Code of Criminal Procedure and the decision of 28 September 2009, and on the basis of the evidence gathered, criminal proceedings were not initiated.

373. The investigation conducted into Mr. Mammadov's death was not reopened on account of the lack of grounds to do so as provided for by the law.

374. On 24 June 2008, the Serious Crimes Court found Mr. Mammadov guilty under article 274 of the Criminal Code (treason) and he was sentenced to 10 years' deprivation of

liberty in a high-security correctional institution. Before the court pronounced the sentence, he was held in the Ministry of National Security remand centre. On 25 June 2008, he was transferred to remand centre No. 1 of the Ministry of Justice Prison Service. On 14 January 2009, Mr. Mammadov was transferred to correctional institution No. 15 to serve his sentence.

375. On the grounds of an order issued on 27 July 2009 by the Ministry of Justice central medical office, Mr. Mammadov was transferred on 28 July 2009 to a treatment facility where he was diagnosed with plexitis of the right side and osteochondrisis of the vertebrae of the neck.

376. It should be noted that, while in prison, Mr. Mammadov had been under constant medical observation, he had received consultations from various specialists and had undergone both outpatient and inpatient treatment, as well as a series of other medical examinations. Highly qualified specialists working within the Ministry of Health system had been brought in to treat him.

377. On 17 August 2009, Mr. Mammadov's condition had suddenly worsened and an examination had indicated that the patient was showing signs of acute brain infarct. Mr. Mammadov had therefore been given urgent medical assistance by specialists who had been brought in specifically from the Ministry of Health Cardiology Research Institute and who were experienced in the field of resuscitation. Despite the measures taken, Mr. Mammadov died on 17 August 2009.

378. Mr. Emil Mammadov and Ms. Maryam Mammadova, members of Mr. Mammadov's family, took legal action against the Ministry of Finance and the Ministry of Justice Prison Service, demanding compensation of 3,000,000 manats for moral harm.

379. The case was considered on 27 January 2010 by the Näsimi district court and was not successful.

380. The members of Mr. Mammadov's family appealed against the decision of the Näsimi district court, and the appeal was considered on 1 June 2010 by the Civil Division of the Baku Court of Appeal. The decision was made to uphold the judgement of the lower court.

381. On 24 December 2010, the Civil Division of the Supreme Court reviewed the cassational appeal by Mr. Mammadov's family for the reversal of the decision of the Civil Division of the Baku Court of Appeal of 1 June 2010 and referral of the case for another appeal hearing.

382. During the judicial consideration of the case, the Court of Appeal was found to have violated material and procedural laws provided for under article 418.1 of the Code of Civil Procedure. The Civil Division of the Supreme Court found in favour of the appellants and the case was returned to the Baku Court of Appeal for consideration.

383. After the second hearing of the case, on 29 April 2011, the Civil Division of the Baku Court of Appeal did not find in favour of the appellants and upheld the decision of the Näsimi district court of 27 January 2010. The Civil Division of the Supreme Court considered the cassational appeal of Mr. Mammadov's family for reversal of the decision of the Civil Division of the Baku Court of Appeal of 29 April 2011 but did not find in favour of the appellants and the decision of the Court of Appeal was fully upheld.

384. On 18 June 2007, the Serious Crimes Court found that, under articles 120.2.1, 120.2.4 and 85.5 of the Criminal Code, the persons mentioned below were guilty of premeditated murder and were accordingly sentenced to 10 years' imprisonment each.

385. At present, Ruslan Bessonov is serving his sentence in correctional institution No. 13, and Dmitri Pavlov in correctional institution No. 6. On 23 February 2013, Maksim

Genashilkin was transferred from correctional institution No. 13 to a specialized treatment facility in order to undergo medical examinations and receive medical care.

386. A review into the individual cases of these convicted persons has shown that, at the pretrial investigation stage, while they were still considered suspects, these three persons submitted a request to undergo a forensic examination to prove the physical pressure inflicted on them by police officers. In a decision of 16 February 2007, the Serious Crimes Court granted this request. According to forensic report No. 60/2007 of 18 April 2007, no injuries were identified on the bodies of Mr. Bessonov, Mr. Genashkilin or Mr. Pavlov.

387. In order to verify and legally assess the requests sent to the Office of the Ombudsman, as well as information that came to light during the investigations on site, the Ombudsman immediately sent requests to the Procurator-General for a forensic examination, investigation of the cases and the punishment of the perpetrators if the claims proved to be true.

388. An investigation was conducted by the relevant body into each of the complaints and responses were provided. In many instances, the Office of the Procurator-General sent the case back for further investigation. For each of the complaints sent to the Procurator's Office for investigation, the Ombudsman was given a response indicating that no evidence had been found to confirm the allegations of torture.

389. The figures shown below in the third column of the table generally refer not to the women themselves but to their requests submitted to the Ombudsman on behalf of persons close to them (husband, son, etc.). The Ombudsman did not receive any complaints of torture or cruel treatment on national or ethnic grounds.

Number of complaints	*Repeat complaints*	*Sex of complainant*	*16–18 years old*	*Investigations conducted by the Ombudsman*	*Queries regarding the complaint*
1	2	3	4	5	6
104 in 2009	23	Men 95 Women 9	3	17	42
159 in 2010	38	Men 151 Women 8	3	25	55
162 in 2011	22	Men 146 Women 16	2	28	68
144 in 2012	32	Men 127 Women 17	2	21	59
115 in 2013	16	Men 108 Women 7	5	17	44

Article 14

390. No cases linked to torture, cruel, inhuman or degrading treatment or punishment have been brought before the courts.

Article 15

391. Under article 125.2.2 of the Code of Criminal Procedure, reports, documents and other materials obtained through the use of violence, threat, deception, torture or other cruel, inhuman or degrading acts are not admissible as evidence in criminal proceedings.

392. In accordance with the decision of the Plenum of the Supreme Court of 10 March 2000 on the activities of courts in the field of protecting human rights and freedoms when administering justice, evidence obtained unlawfully cannot be used when administering justice. If the court is of the opinion that evidence presented by bodies conducting initial inquiries or pretrial investigations has been obtained unlawfully, then that evidence is, under all circumstances, discounted from the rest of the evidence, and the actions of officials who have violated the law are investigated.

393. Paragraph 3 of the above-mentioned decision stipulates that officials who subject persons to torture or degrading, inhuman acts or forms of punishment during the initial inquiry or pretrial investigation or when a person is serving his or her sentence are liable to criminal prosecution. A court is obliged under all circumstances to give its opinion when presented with this kind of information. If such instances come to light during a court hearing, the detainee is given a medical examination, his or her personal record is obtained on demand and reviewed, witnesses are questioned and, if there are the legal grounds to do so, criminal proceedings are initiated or the matter is brought to the attention of a procurator in conformity with the law.

394. Under articles 145.1 and 145.2 of the Code of Criminal Procedure, each piece of evidence must be assessed in respect of its relevance, plausibility and reliability, and all the evidence gathered for criminal prosecution must be assessed in its entirety for leave to prosecute to be granted on the basis of sufficient grounds.

395. Persons conducting initial inquiries, investigators, procurators and judges evaluate evidence in accordance with their inner conviction, based on a thorough, full and objective examination of all of the evidence, and they are guided by the law and their conscience.

396. Under Order No. 08/10 of the Procurator-General of 14 February 2003, if the person leading an investigation, the investigator or the procurator who is procedurally managing the pretrial investigation receives information regarding the use of torture or other duress during the investigation or inquiry, he or she is required, when assessing the evidence that has been gathered, as well as when examining the substantiating evidence, to provide an objective legal assessment and also to exclude any evidence obtained by such unlawful means.

397. Article 63, paragraph 4, of the Constitution stipulates that evidence obtained unlawfully cannot be used in the administration of justice.

398. Order No. 09/84 of the Procurator-General of 1 December 2006 provides that there are no exceptional circumstances during a criminal investigation, including the guarantee of human rights and freedoms, the swift resolution of crimes, the prosecution of perpetrators of crimes or other interests involved in fair court proceedings, that may be used to justify torture or other degrading acts.

399. Complaints linked to violations of human rights or fundamental freedoms during criminal prosecution must be considered promptly. All factual and legal grounds for evidence and motives must be considered separately in detail, independently of the issues raised in the complaint and independently of their impact on the outcome of the case, and the decision on whether to accept the complaint or not must be based on specific factual circumstances of the case and on legal norms.

400. The rules of criminal procedural law are strictly observed during inquiries into statements and information regarding crimes and during criminal investigations, as are the requirements of orders issued by the Office of the Procurator-General; information, documents and other material obtained through any unlawful means are not admissible as evidence.

Article 16

401. Various measures are being taken in order to give effective implementation to the freedom of speech, to ensure the independence of the media and to strengthen their resource base.

402. On 31 July 2008, the President approved the Framework for State Support for the Development of the Media. On 3 April 2009, a decree was issued to establish a State Fund under the jurisdiction of the President to support the development of the media in Azerbaijan. An order of 21 July 2010 provided a number of media outlets with financial support, and orders were also signed on 22 July 2010 and 22 July 2013 regarding measures to enhance the social protection of members of the press.

403. The actions of media representatives carrying out their duties are not subject to criminal prosecution. An exception to this, as provided for in law, is where persons are suspected of committing a specific crime. In this case, the guiding principle is that everyone is equal before the law and individuals are held criminally liable regardless of their official title or other circumstances.

404. In order to ensure public security, targeted efforts are being made to carry out necessary work in the field of strengthening reciprocal relationships with civil society and broadening cooperation with representatives of the media.

405. Round-table discussions were organized in various districts in collaboration with the Journalists in Extreme Conditions civil society association and the Baku Office of OSCE as part of the project on improving relations between the police and media representatives. At the initiative of the Council of the Presidential State Fund to Support the Development of the Media, the Democratic Journalists' League and the Yeni Nesil (New Generation) Union of Journalists, similar events (training sessions) were held in other districts. The main aim of such events, organized with the participation of representatives of the local media and officers from local police stations, was to raise the relationship between law-enforcement officers and journalists to a qualitatively higher level, to facilitate access for press representatives to information from police bodies, and to hold discussions on further broadening the scope of freedom of speech and the press.

406. On 7 January 2009, around 100 persons tried to hold a rally outside the administrative building of the Israeli embassy in Azerbaijan. Persons who incited violence and did not comply with the lawful demands of the police were arrested and taken to local police stations. One of the speakers at the rally was Mr. Afghan Mukhtarli, a correspondent for the newspaper *Yeni Musavat*, who, after having revealed his press vest which he was wearing under his overcoat, was released immediately. The complaint submitted by Mr. Mukhtarli regarding the violence allegedly inflicted upon him by police officers was considered by the Ministry of Internal Affairs Department of Internal Investigations. According to the forensic examination report of 17 January 2009, no injuries were identified on Mr. Mukhtarli's body. The consolidated fracture identified on the fifth metacarpal bone of his right hand was a deformity that had resulted from an injury sustained previously and was not related to any injury that he could have suffered on 7 February 2009.

407. No evidence was found to confirm that police officers had committed unlawful acts against Mr. Mukhtarli and he was informed of this in writing. Mr. Mukhtarli's bill of complaint on this matter was refused by decision of the Sabail district court of 24 August 2009, and the appeal of 15 October 2009, presented for consideration before the Baku Court of Appeal, was also not upheld.

408. On 10 May 2010, neither Mr. Natiq Adilov nor Mr. Elchin Hasanov were sent to a police station, and no complaints were submitted by these persons to higher-ranking police bodies.

409. On 15 May 2010, members of parties that form the Azadlıq group tried, in violation of article 5, paragraph 1, of the Freedom of Assembly Act, to stage a protest near the Narimanov metro station and the Khasiyev park. On account of their deliberate refusal to comply with the lawful demands of police officers to stop the protest, the participants, including Mr. Seymur Haziev, a correspondent for the newspaper *Azadlıq*, were arrested and sent to the Narimanov district police station.

410. In accordance with the decision of the district court, Mr. Haziev was held in administrative detention for 7 days pursuant to article 310.1 (disobeying the lawful demands of a police officer) of the Code of Administrative Offences.

411. The result of the internal investigation conducted by the Police Headq arters in Baku showed that the allegations contained in Mr. Haziev's complaint regarding unlawful acts committed against him by police officers were not true.

412. On 7 February 2010, while measures linked to combating illegal street vending were being implemented, police officers arrested a group of persons who did not comply with their lawful demands and sent them to No. 24 police station in Nizami district. Among those arrested was Ms. Leyla Mustafayeva who did not present the necessary documents at the time of her arrest and who, as was later revealed, was a correspondent for the newspaper *Musavat*. After this information came to light, she was immediately released. No complaints or requests regarding this incident were received from Ms. Mustafayeva.

413. On 1 March 2012, in connection with a breach of the peace and the deliberate destruction of another person's property committed by a group of persons, the Quba district Office of the Procurator initiated criminal proceedings under articles 186.2.2, 221.3, 223 and 315.2 of the Criminal Code against Mr. Zaur Guliyev and Mr. Vugar Gonagov, who were subsequently prosecuted. Mr. Guliyev and Mr. Gonagov were found guilty by Xaçmaz district court under articles 233 and 309.2 of the Criminal Code and, on those grounds, each was sentenced to 3 years and 6 months on probation.

414. The investigation conducted by the Office of the Procurator into allegations of violence used by police officers against Mr. Guliyev and Mr. Gonagov did not find any proof of the claims. For this reason, it was decided not to bring criminal proceedings.

415. On 29 March 2011, a correspondent for the *Azadlıq* newspaper, Mr. Seymur Mashgul oglu Haziev, submitted a complaint to the Abşeron district police station, in which he claimed that, on the night of 25 to 26 March 2011, he was walking towards his house in the residential area of Dzheiranbatan in Abşeron district. On Nizami Street, six strangers wearing masks blocked his path, forced him into a Mercedes-Benz minibus and drove him to an unfamiliar place. After leading him into an unknown house, they beat him, then blindfolded him, put him into a car and drove him to housing block No. 42 in the Binə neighbourhood of Baku.

416. On 30 April 2011, the investigative department of Abşeron district police station initiated criminal proceedings into this case under article 132 of the Criminal Code, and an investigation was conducted.

417. During the investigation, the victim, Mr. Haziev, was questioned, as was his mother, Ms. Gyzgala Hazieva, his father, Mr. Mashgul Haziev, his sister, Ms. Vusalya Hazieva, and other close relations — Mr. Nazim Magerram oglu Adygezalov and Mr. Sadig Gadzha oglu Salmanov — who worked in a shopping centre located near the intersection between the road from Baku to Sumqayit and the road leading to the victim's house. Mr. Namig Muzaffar oglu Gusyeznov, Mr. Natig Suraddin oglu Kocharlinsky and Mr. Rashad Meyrangulu oglu Dzhafarov were also questioned, as was a taxi driver who works in the area, Mr. Ali Dzhafanshir oglu Babaev. An inspection of the area indicated by Mr. Haziev was carried out and specific information was obtained regarding the clothes and hat that he was wearing on that day, as well as the telephone conversations he had had.

418. Abyeron district police station was tasked with leading an operation to identify any unknown persons and cars. In this regard, a request was sent to the Central Department of the Ministry of Internal Affairs State Traffic Police and a forensic examination was also scheduled, as were thorough trace evidence tests and a criminal expert analysis of fibrous material.

419. During the investigation, it was established that, on 26 March 2011, Mr. Haziev had visited the clinical medical centre of the Health Directorate in Baku where he had been given the following diagnosis: soft tissue injuries to the right side of the thorax. During the examination at the medical centre, Mr. Haziev said that he had fallen. The doctors at the centre gave him the necessary recommendations and sent him for outpatient treatment.

420. According to the findings of the forensic examination, and taking into account the report in medical certificate No. 205, which was issued by staff of the clinical medical centre after they examined Mr. Haziev, no injuries were identified on the surface of his body. On account of the fact that the medical documents issued in Mr. Haziev's name do not contain records of any traces of injury (bruises, scratches, wounds, etc.), the diagnosis that he was given — soft tissue injuries to the right side of the thorax — is not objective and such injuries are not a forensically recognized concept.

421. Given that the investigations and police operations did not make it possible to identify a person (or persons) as a suspect (or suspects) in the case, a decision was made on 30 June 2011 to suspend criminal proceedings under articles 53.1.1 and 277 of the Code of Criminal Procedure.

422. On 1 March 2012, the Quba district Office of the Procurator initiated criminal proceedings under articles 233, 315.2, 221.3 and 186.2.2 of the Criminal Code into allegations of acts committed by a group of persons who had caused a serious breach of the peace and wilfully damaged and destroyed another person's property. On the same day, the Serious Crimes Investigation Department within the Office of the Procurator-General was tasked with conducting an investigation.

423. On 14 March 2012, a resident of Quba district, Mr. Vugar Fiyaddin oglu Gonagov, born in 1976, was arrested as a suspect in a crime. On the same day, Mr. Gonagov was provided with a human rights advocate and his family was notified of his detention.

424. On 15 March 2012, Mr. Gonagov was brought to court and charged under articles 233 and 309.2 of the Criminal Code. Nasimi district court decided to order detention as a restrictive measure for Mr. Gonagov. On account of the complex nature of the case, Nasimi district court took the decision to extend the period of detention to 14 December 2012.

425. On 12 November 2012, Mr. Gonagov was once again charged under articles 233 and 309.2 of the Criminal Code.

426. On 17 March 2012, a Quba resident, Mr. Zaur Musafaddin oglu Guliyev, born in 1981, was brought before the court in the same case. He was charged in the presence of his lawyer under articles 233 and 309.2 of the Criminal Code and Nasimi district court decided

to order detention as a restrictive measure for him. His family was notified of this promptly. On account of the complex nature of the case, Nasimi district court took the decision to extend the period of detention to 17 December 2012. On 12 November 2012, Mr. Guliyev was once again charged under articles 233 and 309.2 of the Criminal Code.

427. On 21 November 2012, the criminal case against Mr. Gonagov, Mr. Guliyev and others (six persons in total), together with the bill of indictment, was sent to the court for consideration. On 15 March 2013, Mr. Gonagov and Mr. Guliyev were sentenced by Xaçmaz district court to 3 years' imprisonment. Under article 70 of the Criminal Code, the sentence was suspended.

428. During the investigation into this case, the human rights advocate and lawyer, Mr. Elchin Sadiqov, gave a statement on 30 April 2013 in which he claimed that, in March 2013, his client had been subjected to inhuman treatment while he was being held in the remand centre of the Ministry of Internal Affairs Central Department for Combating Organized Crime.

429. The Office of the Procurator-General investigated the claims. Given the lack of evidence of criminal behaviour identified in Mr. Elchin Sadiqov's complaint, it was decided not to bring criminal proceedings, in accordance with the material that had been gathered and on the grounds of articles 39.1.1 and 212 of the Code of Criminal Procedure.

430. On 24 August 2013, the accused, Mr. V.F. Gonagov, and his lawyer, Mr. Rashid Gadzhili, also submitted a complaint claiming that, in March of the same year, Mr. Gonagov had been subjected to inhuman treatment while he was being held in the remand centre of the Ministry of Internal Affairs Central Department for Combating Organized Crime.

431. During the investigation, no evidence of criminal behaviour was established in the complaint submitted by Mr. Gonagov and Mr. Gadzhili, and it was decided not to bring criminal proceedings, in accordance with the material that had been gathered and on the grounds of articles 39.1.1 and 212 of the Code of Criminal Procedure.

432. On 22 October 2009, Mr. Afghan Mukhtarli, living in Baku at flat No. 86, building No. 197, Ragimov Street, stated in his complaint to the Yasamal district Office of the Procurator that, on 7 January 2009, in his capacity as a member of the press, he had been taking photographs during a protest which was being staged by a group of persons outside the Israeli embassy in Baku. Police officers had seized his camera and beaten him, causing him bodily injuries.

433. An inquiry was conducted in connection with Mr. Mukhtarli's complaint by the Yasamal district Office of the Procurator. Given the lack of any evidence of criminal behaviour identified, it was decided on 31 October 2009 not to bring criminal proceedings under articles 39.1.1 and 212 of the Code of Criminal Procedure. On 26 December 2009, that decision was overturned by the district procurator and further investigations were carried out.

434. During the investigation into this complaint, Mr. Mukhtarli provided the district Office of the Procurator with exactly the same information.

435. Mr. Rashid Gezalov, Mr. Bugar Guseynov, Mr. Elnur Bugadov and Mr. Yashar Guliyev, police officers of the sixth patrol rapid response unit of the Ministry of Internal Affairs, indicated in their testimonies that, on 7 January 2009, during the unlawful protest held by a group of persons outside the Israeli embassy, police officers had not used violence against any persons, including against members of the press, and they had not seized their photo or video cameras.

436. During the inquiry, it was established that the Yasamal district Office of the Procurator and the police station of the same Baku district had not received any information or complaints linked to the beating of Mr. Afghan Mukhtarli or the forcible confiscation of his camera by police officers on 7 January 2009.

437. Subsequent to further investigation, it was once again decided on 19 January 2010 not to bring criminal proceedings in accordance with the material that had been gathered and on the same grounds as before.

438. Mr. Mukhtarli submitted a complaint to Yasamal district court regarding this decision and, on 18 June 2010, the court decided to dismiss the complaint.

439. The prohibition on using physical and psychological violence against children is set out in articles 12, 27 and 28 of the Rights of the Child Act. The Prevention of Domestic Violence Act regulates and establishes measures aimed at preventing violence committed through the abuse of close family relationships, cohabitation or previous cohabitation.

440. Since the introduction of amendments to the Mental Health Care Act in October 2011, all forms of involuntary committal to a psychiatric clinic have been undertaken in strict compliance with the above-mentioned Act. In particular, if a person is sent to a mental health clinic involuntarily, a thorough psychiatric examination must be performed within 48 hours by a panel of psychiatrists (no fewer than three). If there are indications that a person should be receiving inpatient care, then the reasoned findings of the panel of psychiatrists are submitted to the court. The decision on involuntary hospitalization and treatment can be made only by a court. If there are no indications that the person should be receiving inpatient treatment, he or she is immediately discharged from the psychiatric clinic.

441. The arrangements for and conduct of a forensic psychiatric examination are regulated by the State Forensic Investigation Act, the Psychiatric Care Act of 12 June 2001 and the Code of Criminal Procedure.

442. Under article 5 of the Psychiatric Care Act of 12 June 2001, a person is provided with psychiatric care at his or her own request with the exception of cases provided for in articles 11 and 12 of the Act.

443. Psychiatric care for persons under the age of 16 or for persons recognized by established legal procedure as lacking legal capacity is administered under the provisions of the Act with the consent of parents or legal representatives.

444. Psychiatric care is administered on the basis of consent. The use of violence of any kind to obtain this consent is not permitted. Consent must be provided in writing, signed by the patient or by his or her legal representative, and by the psychiatrist.

445. Article 11 of the Act stipulates that, if the nature of the mental disorder requires the examination, treatment or detention of the person and observation of him or her to take place only in a psychiatric clinic, forced committal to a psychiatric clinic may be called for in the following circumstances:

- When persons pose a threat to themselves and/or to others around them;
- When persons are helpless as a result of a mental disorder, i.e., they lack the capacity to carry out basic everyday needs independently;
- When the mental condition of persons with serious mental disorders may worsen if they are not given prompt inpatient psychiatric care.

446. Patients involuntarily committed to a clinic may be given treatment with written consent.

447. Compulsory restraint measures of a medical nature are implemented in specialized psychiatric institutes.

448. Pursuant to article 13 of the Act, the procedure for organizing and conducting forensic psychiatric examinations is determined by law.

449. The activities of the panel conducting the forensic psychiatric examination are regulated by the central expert forensic and psychiatric commission, set up by the relevant executive authority.

450. If a person or his or her legal representative does not agree with the conclusions of the expert forensic and psychiatric commission, he or she may apply to the courts in accordance with the law.

451. While a person is in a psychiatric clinic and the forensic psychiatric examination is being performed, the requirements of the above-mentioned acts must be observed.

452. During an inquiry into the statements and information regarding a crime or an investigation into a criminal case, a forensic psychiatric examination is arranged and performed when necessary. If a dispute or suspicion of any kind is raised regarding the grounds for the conclusions of the initial forensic psychiatric examination, an additional or repeat examination is performed to ensure the objectivity of the findings of the examination.

453. The conclusions reached after conducting the examination are verified and added to the criminal casefile. These conclusions, as well as other evidence, are subject to legal assessment.

454. A person committed involuntarily to a psychiatric clinic on the basis of a court decision is entitled to appeal the decision to a higher tribunal either on his or her own behalf or through a legal representative.

455. At present, the independent monitoring and inspection of psychiatric clinics is carried out by the Office of the Ombudsman, and by a number of human rights-based non-governmental organizations. Moreover, associations for users of psychiatric services and their families are currently being set up and will, in the future, also play an active part in the above-mentioned monitoring activities.

456. Over the past year, the following has been done to improve conditions for patients in psychiatric clinics outside Baku:

Qazax interdistrict psychiatric hospital (Qazax)

- A modern heating system has been installed and is in use. The hospital now has a constant hot water supply;
- The women's ward has undergone major refurbishment. It has been fitted with new soft and hard furnishings;
- The men's ward has been partially refurbished and repair work is currently ongoing. It has been fitted with new soft and hard furnishings;
- The reception area of the hospital and the family meeting room have undergone major refurbishment;
- Over the past year, there has been an almost twofold increase in resources allocated from the district budget for the hospital's pharmaceutical and catering supplies.

Şäki interdistrict psychiatric hospital (Şäki)

- Over the past year, the majority of the hospital wards have undergone major refurbishment, including repairs to ceilings and floors and the installation of new windows;

- The hard furnishings have been partially replaced;
- Over the past year, there has been a significant increase in resources allocated from the district budget for the hospital's pharmaceuticals and catering supplies.

City psychiatric hospital (Gäncä)

- Over the past two years, all of the windows in the hospital have been replaced;
- The roofs of both hospital buildings have undergone major repairs;
- The second hospital building has been equipped with a central heating system providing a constant water supply to the wards;
- The electrical system in the first building has been updated;
- The sanitation facilities (bathrooms and toilets) in wards 1 and 4 have undergone major refurbishment;
- An outside courtyard has been developed, and the façade of the hospital building has been renovated;
- Aerobics clubs have been set up to help with the patients' rehabilitation, as have music, sewing and art clubs, which have been provided with specialist equipment;
- Complaints boxes have been installed in the wards for the use of patients;
- Automatic washing machines have been purchased, as have new soft and hard furnishings and new hospital gowns for patients;
- Over the past year, there has been an increase in resources allocated from the district budget for the hospital's pharmaceuticals and catering supplies.

No. 1 national psychiatric hospital (Maştağa, Baku)

- Repair work has been carried out in a number of wards;
- Wards 15–16 and 17–18 have been rebuilt;
- The neurology, physical therapy, and tuberculosis (Nos. 1–4) wards have undergone major refurbishment, as has the administrative building;
- At present, refurbishment is ongoing in the drug addiction ward, the pharmacy, the kitchen and the laboratory;
- Regular seminars and training sessions are held for hospital staff on the rights and correct treatment of psychiatric patients. Staff treatment of psychiatric patients is constantly monitored by the hospital management;
- Complaints boxes have been installed in the wards for the use of patients and their relatives;
- In order to improve hospital conditions for patients, the wards are equipped with televisions, radios and print periodicals;
- All departments have a constant water supply;
- In order to protect the environment and improve hospital conditions for patients, more than 12,000 trees and more than 35,000 bushes have been planted in the hospital grounds. Renovation work is ongoing in a number of wards.

457. The State Border Service personnel have studied the rules of ethical conduct and behaviour between military personnel and civilians;

- In line with the service manual, officers monitor the moral and psychological state of soldiers carrying out their national service. Training centres provide individual sessions for young soldiers, taking into account their family circumstances, education, health, individual qualities and previous occupation. Recommendations on further individual training for soldiers found to be psychologically vulnerable are sent to the State Border Service bodies where they will continue their service;
- If situations arise which could have a negative impact on the morale and psychological state of the State Border Service bodies, preventive measures are taken;
- Awareness-raising meetings are held between staff and representatives of the military procuratorial agencies and the court to improve legal awareness;
- In the event of premeditated or attempted murder, suicide or incitement to suicide or other cases that constitute elements of an offence, investigations are conducted and the results used to make the appropriate recommendations, which are then sent to State Border Service bodies in order to prevent recurrences;
- Since March 2013, "parents' days" have been held in all bodies that have soldiers doing national service and a hotline has been set up in the State Border Service administrative office.

458. An investigation into criminal case No. 16/205533 was initiated on 31 October 2011 by the Qarabağ Office of the Military Procurator, under article 342.2 of the Criminal Code, regarding the death from illness of Soldier Royal Rustam oglu Agayev (written as Raul Agayev in the letter) of Ministry of Defence military unit No. 991. He died on 30 October 2011 while he was carrying out his military service and the investigation established that paramedic Ensign Altay Tapdig oglu Askerov of military unit No. 991, first division, had been negligent in the discharge of his official duties.

459. On 29 October 2011, between approximately 9 and 10 p.m., Soldier Agayev complained of ill health (chill and fever). Ensign Askerov gave the patient one aspirin tablet and prepared a hot footbath for him, after which he immediately sent Soldier Agayev to the shared residential facility.

460. In doing so, he violated the requirements of paragraphs 815, 816, 843 and 877 of Ministry of Defence Order No. 57 of 9 February 2003 concerning medical assistance for the armed forces.

461. Ensign Askerov did not ensure that the patient was dispatched promptly to medical regiment No. 56 to undergo an x-ray and, in this way, he delayed the medical examination and treatment.

462. On 30 October 2011, given that Mr. Agayev's condition had worsened as a result of the shortness of breath he began to experience at 1 p.m., Ensign Askerov dispatched him to hospital. However, on account of the delay in undergoing the medical examination and treatment, Soldier Agayev died in hospital at 1.30 p.m. that day from pulmonary and cardiovascular insufficiency, with underlying toxicosis which had developed as a result of acute and widespread croupous pneumonia in both lungs.

463. On 25 January 2012, Mr. Askerov was charged in connection with the offence under article 342.2 of the Criminal Code and, as a preventive measure, he was placed under a restricted residence order. The investigation into the criminal case was concluded on 27 January 2012 and the case was sent to the court for consideration on the merits.

464. Similarly, criminal case No. 16/205534 was initiated on 1 November 2011 by the Qaradağ Office of the Military Procurator under article 342.2 of the Criminal Code in connection with the death of Soldier Azer Aldzhif oglu Abbaszade of Ministry of Defence

military unit No. 55. The investigation begun on 13 December 2011 by the Serious Crimes Investigation Department within the Office of the Military Procurator established that Captain Oktay Heydar oglu Khudayev, head of medical care for Ministry of Defence military unit No. 55 and former head of the medical unit, had been negligent in the exercise of his official duties. As the person in charge, he should have known and complied with the requirements of the order, regulations, instructions and other guidelines concerning the organization of medical assistance for military personnel, governed by articles 29, 805, 808, 815 and 816 of Ministry of Defence Order No. 57 of 9 February 2003 on the guidelines for medical assistance for the armed forces and the activities of the military medical units.

465. Mr. Khudayev should have carried out the laboratory and other specialized examinations necessary for the assessment of the patient and, if he had encountered difficulties in deciding on the diagnosis and course of treatment, he should have consulted with the specialist doctors in the nearest treatment facility.

466. He should have sent the sick man to the nearest treatment facility to undergo laboratory, specialized and other kinds of examination which could not be carried out in the medical unit. Mr. Khudayev should have recognized that the soldier was suffering from acute disease of the respiratory system (acute pneumonia) and provided him with urgent medical assistance. In order to offer the soldier proper specialist medical care, he should have organized his immediate transfer to the garrison hospital or another treatment facility. Through his actions, Captain Oktay Heydar oglu Khudayev committed a gross violation of the above-mentioned requirements.

467. Despite the fact that Soldier Abbaszade of military unit No. 51 had complained of acute abdominal pain, general weakness and a headache when he visited the military medical unit on 27 October 2011, Captain Khudayev did not perform a full and thorough examination and did not recognize in a timely manner that Soldier Abbaszade was suffering from acute haemorrhagic purulent pneumonia.

468. Not having provided a timely diagnosis for the patient and not having performed the laboratory examination and x-ray which were necessary to ensure that appropriate treatment was given, Captain Khudayev furthermore did not send Soldier Abbaszade to the nearest treatment facility. Moreover, despite the fact that there was a digital x-ray machine in military unit No. 56 at that time, he did not carry out an x-ray examination on Soldier Abbaszade. As a result of not assessing the condition of the patient correctly, Captain Khudayev did not identify the illness at an early stage, he gave the wrong diagnosis, he did not choose the right course of treatment and he did not prescribe any treatment for the illness, all of which caused Soldier Abbaszade's death.

469. Captain Khudayev did not administer the emergency treatment necessary for the timely diagnosis of haemorrhagic (interstitial) purulent pneumonia of the lungs, which was the cause of Soldier Abbaszade's death and which had begun to develop three to four days before his death. Captain Khudayev furthermore did not pay due attention to the possible consequences, did not undertake appropriate measures and, having assessed Soldier Abbaszade as being in relatively good health, sent him back to the unit to continue with his service.

470. On 31 October 2011, at approximately 8.30 a.m., Soldier Abbaszade once again reported to the military clinic where, once again, he was not given the necessary emergency medical care. Given that the patient had not received timely treatment between 27 and 31 October 2011, the illness had progressed rapidly, leading to the development of irreparable pathological processes in the patient's organism. That same day, at approximately 1.40 p.m., Soldier Abbaszade was admitted to the intensive care unit of military unit No. 56 in a serious condition. Despite the emergency treatment measures applied, the doctors did not achieve any improvement in the patient's condition and he died at 7.57 p.m. that day from

generalized toxicosis, internal bleeding, general acute haemorrhagic purulent pneumonia in both lungs, acute pulmonary and cardiac insufficiency and, consequently, cerebral oedema. Soldier Abbaszade's death occurred as a result of Captain Khudayev's negligence in exercising his official duties.

471. On 17 March 2012, Captain Khudayev was charged with an offence under article 342.2 of the Criminal Code and was placed under a restricted residence order as a preventive measure. On 25 March 2012, the investigation into the criminal case was concluded and sent to the court for consideration on the merits.

472. In criminal case No. 203654 concerning the death from illness on 30 October 2011 of Soldier Ruslan Shakhliyar oglu Kerimov of military unit No. 5, criminal proceedings were initiated by the Gäncä Office of the Military Procurator under article 342.2 of the Criminal Code.

473. From 15 December 2011, the investigation into this case was taken up by the Serious Crimes Investigation Department within the Office of the Military Procurator. The investigation established that, at approximately 4 a.m. on the night of 29 to 30 October 2011, new recruit Kerimov of military unit No. 5 was admitted to the dermatology and venereal disease ward of the hospital of military unit No. 230. The patient was diagnosed with moderately acute bronchitis and reactive arthritis, and he was also suffering from acute pain in his feet. At the request of the patient, Duty Nurse Sadiga Turid gizi Gasimova gave the patient an injection of analgin and diphenhydramine, which was not part of the doctor's prescription. Half an hour later, despite the fact that the patient's condition had dramatically worsened (vomiting, digestive trouble, increased pain in the feet) and that he was showing symptoms of a potentially fatal anaphylactic shock, Nurse Gasimova did not notify the doctor on duty of this and, at the request of Soldier Kerimov, once again without a doctor's prescription and without permission, administered an injection of baralgin. As a result of this injection, the patient went into shock and, because he was not provided with emergency medical assistance and the doctor on duty was not informed of the situation and therefore could not give emergency treatment, Soldier Kerimov died at approximately 7 a.m. on the morning of 30 October 2011 from acute multi-organ (cardiovascular, pulmonary (breathing), adrenal, cerebral, etc.) failure. Soldier Kerimov's death occurred as a result of the carelessness and negligence of Nurse Gasimova.

474. On 3 March 2012, Ms. Gasimova was charged with an offence under article 124.1 of the Criminal Code and placed under a restricted residence order as a preventive measure. The investigation was concluded on 9 March 2012 and, on 12 March 2012, the case was sent to the court for consideration on the merits.

475. Each of the three persons charged was found guilty.

476. The deaths of the above-mentioned soldiers during military service, but not under operational conditions, were not linked to the use of violence, threat, deception, torture or other cruel, inhuman or degrading treatment.

477. Cameras have been installed in towns and places where mass gatherings take place; they form part of the Safe City automated control system and are intended to monitor compliance with the law, as well as to provide uninterrupted and direct surveillance of the area and ensure that immediate measures are taken in the event of an emergency.

478. The 102 Service, designed to allow prompt preventive measures to be taken against members of the public who commit unlawful acts, is based on the human factor as the highest principle. It allows rapid response measures to be taken when warnings are received by police stations and that, in turn, contributes to the implementation of centralized monitoring.

479. Joint awareness-raising and outreach work is being carried out by governmental and non-governmental organizations, particularly educational establishments, to teach schoolchildren how to prevent the spread of knowingly false information on terrorism and sabotage. Preventive measures are being devised and implemented in cooperation with local educational establishments.

480. Local police bodies are conducting awareness-raising and preventive work in line with legislative requirements and a number of relevant orders, instructions and plans of action of the Ministry of Internal Affairs, as a way of stepping up efforts to combat the different issues that contribute to the commission of acts of terrorism and to the escalation of criminal activity. They are doing this in general secondary schools, vocational training institutes, higher education establishments and leisure centres, as well as among young people, minors, children with behavioural problems, etc. The curricula of the Police Academy and the Ministry of Internal Affairs training institute for ordinary soldiers and NCOs includes special topics on combating terrorism.

481. During the period 2010–2013, international organizations held 26 events on the issue with the participation of staff from the Ministry of Internal Affairs.

482. The number of persons convicted under article 214 of the Criminal Code, on terrorism, who were held in prisons between 2009 and 2013 is as follows:

Indicators	*2009*	*2010*	*2011*	*2012*	*01.09.2013*
Number of persons convicted under the article on terrorism and under other articles	49	49	55	59	59

483. Azerbaijan is not a party to the Rome Statute of the International Criminal Court but nevertheless believes that protecting the civilian population, complying with international human rights law and humanitarian law and combating impunity for international crimes all contribute to the maintenance of international peace and security and are therefore the responsibility of the international community as a whole.

484. Representatives from Azerbaijan attended the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, which took place in Rome from 15 to 17 July 1998, and participated in the adoption of the Final Act of the Conference. Since 1998, discussions have been ongoing concerning the different types of offences and penalty mechanisms which fall under the jurisdiction of the International Criminal Court pursuant to its Statute. However, the International Criminal Court in itself has not been fully formed. For this reason, Azerbaijan continues to follow the process of its formation. Once that process is complete, the question of whether to accede to the Statute will once again be reviewed by the competent authorities of Azerbaijan. Proposals for the amendments to the country's Constitution and other legislative acts that will be required for it to become a party to the Statute of the International Criminal Court must be studied thoroughly. Therefore, the conclusion of the formation process of the Statute is very important in respect of Azerbaijan acceding to it.

485. In the context of measures to protect human rights and freedoms and combat torture, the Act of 29 June 2012 on amending the Criminal Code fully revised the provisions of the Criminal Code that establish liability for torture. In accordance with the amendments introduced to the Constitutional Act on the Commissioner for Human Rights (Ombudsman), the Ombudsman acts as the national preventive mechanism, as called for under the Optional Protocol to the Convention against Torture. In order to prevent the occurrence of torture and other cruel, inhuman or degrading treatment or punishment, the Ombudsman visits places of involuntary detention on a regular basis, or as necessary.

486. As part of large-scale reforms, significant efforts have been made to protect citizens' rights and freedoms, defend their interests from unlawful acts and to bring the performance of the internal affairs bodies up to the level of international norms and standards.

487. Links between the Ministry of Internal Affairs and corresponding bodies in other countries in the field of exchanging best practice and study materials have been broadened. Seminars have been organized, as have theoretical and practical conferences on complying with human rights, strengthening democratic values and the daily work of the police. In 2010, 692 officials from the Ministry took part in the above-mentioned events.

488. The constitutional reforms introduced in Azerbaijan in 2009 are of exclusive significance to the field of advocacy for human rights and freedoms. They are aimed at increasing the State's social focus, protecting human rights and freedoms more proactively and improving the work of higher State bodies, as well as of courts and municipalities.

489. In order to ensure the continued implementation of measures taken in the field of human rights, the Presidential Directive of 27 December 2011 approved the National Action Programme on increasing efficiency of the protection of human rights and freedoms, which includes measures designed to improve regulatory frameworks, the activities of State bodies and the protection of the rights of different population groups.

490. Since Azerbaijan submitted its periodic report on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, measures have been taken to further liberalize penal enforcement legislation. In total, 12 acts have been adopted to amend the Penal Enforcement Code (5 in 2010, 3 in 2011, 3 in 2012, and 1 in 2013).

491. As a result of this, 1,682 convicted persons registered in special facilities have been brought before the relevant courts; 1,436 of them have had their sentences replaced with fines and 246 with unpaid labour. Based on these changes, prisoners have been granted the right to engage in physical exercise and sport and the mandates of the Ombudsman and the members of the National Preventive Group to carry out monitoring in prisons have been strengthened. The number of phone calls that prisoners are allowed during the year has doubled: persons sentenced to a specific term are allowed two calls per week, and persons serving life sentences are allowed one call per week; and prisoners' calls are no longer listened to. In order to improve social relations, prisoners serving life sentences have been given improved detention conditions and the number of additional telephone calls they are allowed per year has been doubled to four. The rules for sentence enforcement in the case of forcible deportation have been improved to protect the rights of the persons concerned.

492. As noted above, the Act on the rights and freedoms of persons held in detention was adopted on 22 May 2012.

493. During the period in question, detention conditions have been improved: the roofs of the living quarters of all the prisons have been renewed, wooden floors have been laid, heating systems have been installed or renovated, gas and water supplies have been improved and thorough and comprehensive repairs are being carried out. The work is ongoing.

494. Şəki prison, which meets modern requirements, was opened in July 2013. Building work is continuing on prisons, penal institutions and educational institutions for convicted women and minors in Baku, and on prison complexes in Gänçä and Länkäran.

495. The State Programme for the Development of Justice for the period 2009–2013 was approved under a presidential order of 6 February 2009, with the aim of organizing the work of the judicial agencies, including the prison service, in accordance with modern requirements and international standards. A series of measures have been implemented to encourage prisoners to take part in socially useful work, as provided for in the relevant

parts of the Programme. These include the rehabilitation of existing production sites in prisons, the establishment of new ones and the improvement of prison detention conditions on the basis of international instruments and recommendations of international organizations, including by aligning them with international standards on the use of modern electronic and information technology for the recording and movement of prisoners and detainees. The new State Programme for the period 2014–2020 is currently being developed.

496. One of the main areas of the justice reform programme is support for reforms to the prison system. Efforts made under the Programme include an increase in the number of prisoners engaged in work, as well as their participation in educational, sporting and other activities, and the introduction of a centralized system for managing prisoner files in penal establishments. A compendium of the major regulatory and international instruments related to the treatment of convicted persons, including international instruments on the prevention of torture, has been published and distributed to prison service employees (5,000 copies), as has a theoretical and practical statement on the Penal Enforcement Code (3,000 copies).